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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEW JERSEY

3 -----X

4 IN RE JOHNSON & JOHNSON

TALCUM POWDER PRODUCTS

5 MARKETING, SALES PRACTICES, MDL NO. 16-2738(MAS)(RLS)

AND PRODUCTS LIABILITY

6 LITIGATION

7 -----

10 ** ORAL DEPOSITION**

11 JEFF BOYD, Ph.D.

12 Friday, July 19, 2024

16 Reported by:

17 Angela M. Shaw-Crockett, CCR, CRR, RMR, CSR

18 Job 6786619

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 Friday, July 19, 2024</p> <p>3 9:51 a.m.</p> <p>4</p> <p>5 ORAL deposition OF Jeff Boyd, Ph.D., before</p> <p>6 Angela M. Shaw-Crockett, a Certified</p> <p>7 Court Reporter, Certified Realtime Reporter,</p> <p>8 Registered Merit Reporter and Notary Public of</p> <p>9 the States of New York, New Jersey, and</p> <p>10 Connecticut.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S: (CONT'D)</p> <p>2 ATTORNEY FOR THE PLAINTIFFS:</p> <p>3 BEASLEY ALLEN</p> <p>4 218 Commerce Street</p> <p>5 Montgomery, Alabama 36104</p> <p>6 BY: MARGARET M. THOMPSON, ESQ.,</p> <p>7 LEIGH ODELL, ESQ.</p> <p>8 margaret.thompson@beasleyallen.com</p> <p>9 leigh.odell@beasleyallen.com</p> <p>10 (Appearing Remotely)</p> <p>11 ATTORNEY FOR THE DEFENDANTS:</p> <p>12 JOHNSON & JOHNSON</p> <p>13 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP</p> <p>14 One Manhattan West</p> <p>15 395 9th Avenue</p> <p>16 New York, New York 10001</p> <p>17 BY: JESSICA DAVIDSON, ESQ.</p> <p>18 ANTHONY BALZANO, ESQ.</p> <p>19 jessica.davidson@skadden.com</p> <p>20 anthony.balzano@skadden.com</p> <p>21 REILLY, McDEVITT & HENRICH</p> <p>22 3 Executive Campus</p> <p>23 Suite 310</p> <p>24 Cherry Hill, New Jersey 08002</p> <p>25 BY: SUZANNE TURPIN, ESQ.</p> <p>sturpin@rmh-law.com</p> <p>(Appearing Remotely)</p> <p>ALSO PRESENT: Danny Ortega, Remote Tech</p> <p>** ** *</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S:</p> <p>2 ATTORNEY FOR THE PLAINTIFFS:</p> <p>3 MOTLEY RICE</p> <p>4 210 Lake Drive East</p> <p>5 Suite 101</p> <p>6 Cherry Hill, New Jersey 08002</p> <p>7 BY: DANIEL R. LAPINSKI, ESQ.</p> <p>8 dlapinski@motleyrice.com</p> <p>9 ATTORNEY FOR THE PLAINTIFFS:</p> <p>10 ANAPOL WEISS</p> <p>11 130 North 18th Street</p> <p>12 #1600</p> <p>13 Philadelphia, Pennsylvania 19103</p> <p>14 BY: RICHARD GOLOMB, ESQ., of Counsel</p> <p>15 rgolomb@anapolweiss.com</p> <p>16 (Appearing Remotely)</p> <p>17 ATTORNEY FOR THE PLAINTIFFS:</p> <p>18 ASHCRAFT & GEREL, LLP</p> <p>19 1825 K Street NW</p> <p>20 Suite 700</p> <p>21 Washington, District of Columbia 20006</p> <p>22 BY: MICHELLE A. PARFITT, ESQ.</p> <p>23 mparfitt@ashcraftlaw.com</p> <p>24 (Appearing Remotely)</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Jeff Boyd, Ph.D., having been first duly sworn by a Notary</p> <p>2 Public of the State of New York, was examined and</p> <p>3 testified as follows:</p> <p>4 EXAMINATION</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Dr. Boyd, good morning. My name is Dan</p> <p>7 Lapinski. I'm an attorney with the Motley Rice law</p> <p>8 firm and a member of the plaintiffs' steering</p> <p>9 committee in talcum powder litigations.</p> <p>10 Pleasure to meet you.</p> <p>11 A. Thank you. Good morning.</p> <p>12 Q. Right off the bat, I've got to cough. I</p> <p>13 apologize.</p> <p>14 We're here today to take your deposition.</p> <p>15 As you're aware, you've been designated as an</p> <p>16 expert. Not only in the talc federal litigation but</p> <p>17 also in the New Jersey multicounty litigation that's</p> <p>18 pending in Atlantic County against the defendants.</p> <p>19 You're aware of that?</p> <p>20 A. Yes.</p> <p>21 Q. And the supplemental report that we'll</p> <p>22 introduce into evidence this morning, that's a</p> <p>23 report that you have provided that you're going to</p> <p>24 rely upon in both federal litigation and the</p> <p>25 New Jersey state court litigation?</p>

<p style="text-align: right;">Page 6</p> <p>1 A. Yes.</p> <p>2 Q. I know that you are becoming an old hat at</p> <p>3 this and you've been deposed several times before,</p> <p>4 correct?</p> <p>5 A. Couple of times, yes.</p> <p>6 MR. BALZANO: Objection, form.</p> <p>7 MS. DAVIDSON: Wait a minute. This is his</p> <p>8 first deposition that Anthony is defending. I</p> <p>9 will not interrupt, but I think the term "old</p> <p>10 hat" is improper and so --</p> <p>11 MR. BALZANO: Object to form.</p> <p>12 MS. DAVIDSON: Thank you.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. You've also testified at trial in regard</p> <p>15 to your opinions related to talcum powder, correct?</p> <p>16 A. Twice. Yes, correct.</p> <p>17 Q. And for approximately how long have you</p> <p>18 been serving as an expert for Defendants Johnson &</p> <p>19 Johnson as it relates to talcum powder?</p> <p>20 A. Approximately five years.</p> <p>21 Q. Okay. And you just indicated that you</p> <p>22 have testified twice at trial in regard to your</p> <p>23 opinions related to talcum powder?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know how many times you've been</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Very good.</p> <p>2 MR. LAPINSKI: You can mark this as one.</p> <p>3 (Boyd Exhibit 1 was received and marked</p> <p>4 for identification, as of this date.)</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Dr. Boyd, you've been handed a document</p> <p>7 that we have marked as Boyd Exhibit 1. And this is</p> <p>8 an amended notice of oral deposition.</p> <p>9 I'm going to ask, have you seen this</p> <p>10 document before?</p> <p>11 A. No.</p> <p>12 Q. Okay. If you could turn to the fourth</p> <p>13 page of the document.</p> <p>14 A. (Witness complies.)</p> <p>15 Q. And there's a Schedule A, definitions. Do</p> <p>16 you see that at the top of the page?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And as it runs over to the next</p> <p>19 page, which is page 5, it lists -- has a heading</p> <p>20 "Documents to be Produced."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. In advance of this deposition, did you do</p> <p>24 any type of search for documents that may be</p> <p>25 responsive to the documents that have been requested</p>
<p style="text-align: right;">Page 7</p> <p>1 disclosed as an expert witness in individual cases</p> <p>2 as it relates to your opinions on talcum powder?</p> <p>3 A. No, I couldn't say for sure. I'm sorry.</p> <p>4 Q. Do you know whether it's more than five?</p> <p>5 A. No, I really couldn't say.</p> <p>6 Q. Okay. Just by way of refresher, during</p> <p>7 the deposition whenever we're on the record, you're</p> <p>8 under oath. You understand that.</p> <p>9 Is there any reason today that you won't</p> <p>10 be able to testify truthfully to the questions that</p> <p>11 I'm going to ask?</p> <p>12 A. No, there is no reason I would not be able</p> <p>13 to so.</p> <p>14 Q. Because we are on the record, your</p> <p>15 responses are going -- I just want to make sure any</p> <p>16 responses are verbal responses. The court reporter</p> <p>17 can't take down the nod of a head or hand gestures</p> <p>18 or anything, so any responses will have to be</p> <p>19 verbal, okay?</p> <p>20 A. Understood.</p> <p>21 Q. Any time you want to or need to take a</p> <p>22 break, you can let me know, and as long as we're not</p> <p>23 in the middle of a question, then we'll be able to</p> <p>24 go off the record and take a break as needed, okay?</p> <p>25 A. Understood.</p>	<p style="text-align: right;">Page 9</p> <p>1 here?</p> <p>2 A. I'm sorry. I'm not following the</p> <p>3 question.</p> <p>4 Q. Sure. In advance of this deposition --</p> <p>5 and this notice was sent out on July 2nd. In</p> <p>6 between July 2nd and today's date, have you done</p> <p>7 anything in order to be able to search for and</p> <p>8 provide documents related to this deposition notice?</p> <p>9 A. No, I don't believe so.</p> <p>10 (Boyd Exhibit 2 was received and marked</p> <p>11 for identification, as of this date.)</p> <p>12 MR. LAPINSKI: You can mark that as 2.</p> <p>13 That's going to be 2. And what I'm going</p> <p>14 to do is mark multiple exhibits which are all</p> <p>15 these invoices, and just put them in front of</p> <p>16 him at one time, multiple exhibits.</p> <p>17 MR. BALZANO: Different exhibits for each</p> <p>18 invoice?</p> <p>19 MR. LAPINSKI: That's going to be a</p> <p>20 different exhibit for each invoice only because</p> <p>21 they came as individual pages.</p> <p>22 MR. BALZANO: Got it.</p> <p>23 MR. LAPINSKI: This will be 3.</p> <p>24 (Boyd Exhibit 3 was received and marked</p> <p>25 for identification, as of this date.)</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. LAPINSKI: This is going to be 4. 2 (Boyd Exhibit 4 was received and marked 3 for identification, as of this date.) 4 MR. LAPINSKI: And to the extent we end up 5 kind of tossing documents to each other at some 6 point in time, it's not because I'm trying to 7 be rude or flippant. It's just the table was a 8 little wider than I thought it was. 9 BY MR. LAPINSKI: 10 Q. Dr. Boyd, you've been handed three 11 different exhibits that have been marked 12 respectively as Exhibits 2, 3 and 4. 13 Do you have those three exhibits in front 14 of you? 15 A. Yes. 16 Q. Okay. And looking first at Exhibit No. 2, 17 can you tell me what Exhibit Number 2 is? 18 A. It's an invoice submitted to Large 19 representing Johnson & Johnson for work performed in 20 what appear to be calendar year 2021. 21 Q. Okay. And on Exhibit 2 the dates of work 22 that was done run from September 23 of 2021 through 23 October 14 of 2021, correct? 24 A. Correct. 25 Q. Okay. I want to ask you about the line</p>	<p style="text-align: right;">Page 12</p> <p>1 here. Anthony is attorney of record and he's 2 going to be the only one who's talking, okay? 3 MS. DAVIDSON: I mean DC-P is obviously 4 Clarke-Pearson. I understand that it's 2021. 5 MR. LAPINSKI: Okay. Jessica, I'm not 6 going to have comments coming from the 7 sidelines, okay? 8 Anthony is the attorney of record. He's 9 defending the deposition. Anthony is the one 10 who's going to talk, okay? I'm going to ask 11 you respectfully that you abide by that. 12 MS. DAVIDSON: And I would just note for 13 the record that we have had depositions where 14 two plaintiffs' attorneys talked. This is -- 15 MR. LAPINSKI: I understand. 16 MS. DAVIDSON: -- 2021. And I don't know 17 how he could be possibly expected to remember. 18 MR. LAPINSKI: I'm not trying to be 19 argumentative here, Jessica. I don't know 20 what's happened in other depositions, but I can 21 tell you that the purpose of this deposition, 22 where it's my deposition that I'm taking, 23 Anthony is the attorney of record. If Anthony 24 has something he wants to say, he can say it. 25 You're otherwise here to be able to observe the</p>
<p style="text-align: right;">Page 11</p> <p>1 items that you have on this particular exhibit. 2 I'll start with the first one which is September 23, 3 2021. The work performed was: 4 "Review of plaintiffs' expert DC-P 5 deposition transcript." 6 Can you tell me what that refers to? 7 A. I can only assume that it's plaintiffs' 8 deposition transcript. I honestly don't remember 9 what capital letters DC-P mean. 10 Q. You don't know whose deposition transcript 11 that refers to? 12 MS. DAVIDSON: Are you asking because you 13 don't know, or are you asking because you want 14 to know if -- 15 MR. LAPINSKI: I'm asking because I want 16 to know if he knows. 17 MS. DAVIDSON: Oh. 18 THE WITNESS: I can make a reasonable 19 assumption that it's Dr. Saed, but I can't say 20 for sure. 21 BY MR. LAPINSKI: 22 Q. In your practice when -- 23 MS. DAVIDSON: This is from 9/23/2021? 24 MR. LAPINSKI: Yes. 25 Jess, we're going to have one dialogue</p>	<p style="text-align: right;">Page 13</p> <p>1 deposition, okay? 2 MS. DAVIDSON: I hear you. 3 MR. LAPINSKI: Okay. Thank you. 4 BY MR. LAPINSKI: 5 Q. So, Dr. Boyd, you don't have a specific 6 recollection as to what the DC-P stands for, 7 correct? 8 A. I didn't before. I do now. 9 Q. Okay. Now Jessica's coaching, what -- 10 MR. BALZANO: Object to form. 11 BY MR. LAPINSKI: 12 Q. What deposition is this referring to? 13 A. Dr. Clarke-Pearson, it would appear. 14 Q. Do you have any recollection of specifics 15 of that deposition that you considered for purposes 16 of your opinion? 17 MR. BALZANO: Yeah. I object to form. 18 Object to the entire questioning of this. I 19 mean 2021, it's four years ago, almost 20 four years ago. Whether or not he specifically 21 recalls reviewing a specific deposition 22 transcript is -- 23 But you can answer. 24 BY MR. LAPINSKI: 25 Q. Do you have any recollection of reviewing</p>

<p style="text-align: right;">Page 14</p> <p>1 the deposition transcript?</p> <p>2 A. No.</p> <p>3 Q. Okay. In your practice as an expert when</p> <p>4 you review a transcript, what's the process that you</p> <p>5 follow when you're reviewing a transcript?</p> <p>6 A. That's a difficult question to answer</p> <p>7 other than reading it and trying to understand the</p> <p>8 back and forth between the witness and the</p> <p>9 interrogating attorney.</p> <p>10 Q. Is it your practice to take notes in a</p> <p>11 deposition transcript as you're reviewing it?</p> <p>12 A. No, never.</p> <p>13 Q. Okay. Is it your practice while you're</p> <p>14 reviewing the deposition transcript to work relevant</p> <p>15 points of the transcript into a draft report that</p> <p>16 you may have?</p> <p>17 MR. BALZANO: Object to the form.</p> <p>18 THE WITNESS: It's conceivable, yes.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. The second line item that you have listed</p> <p>21 is November 23, 2021. Says:</p> <p>22 "Work on expert report re: Saed</p> <p>23 abstract/poster presentation."</p> <p>24 That's two hours of time you spent there,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. BALZANO: Object to the form.</p> <p>2 THE WITNESS: Correct.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. Okay. This is work that you did that will</p> <p>5 support any opinions that you're going to provide,</p> <p>6 whether it be in your reports or at trial, correct?</p> <p>7 MR. BALZANO: I'm going to object to</p> <p>8 anything that could be infringing on any type</p> <p>9 of privilege or work product basis. I mean,</p> <p>10 although I think, you know, the descriptions of</p> <p>11 work may not be privileged, I think anything</p> <p>12 going further, as in how he formed his reports</p> <p>13 or anything that are privileged information, I</p> <p>14 would object to.</p> <p>15 MR. LAPINSKI: When the time comes that I</p> <p>16 say I request something that's privileged, you</p> <p>17 have the right to be able to object to it, but</p> <p>18 for now, I'm going to continue to ask the</p> <p>19 questions.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Dr. Boyd, for these three dates, the 23rd,</p> <p>22 24th and 25th, when you list the work being done as</p> <p>23 work on the expert report, slash -- re: Saed</p> <p>24 abstract/poster presentations, do you recall</p> <p>25 specifically the work that you were doing on those</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Correct.</p> <p>2 Q. Do you have a recollection -- and we'll</p> <p>3 actually look at the 23rd, 24th and 25th together,</p> <p>4 which are all the same type of work that was being</p> <p>5 done.</p> <p>6 You would agree with that, right?</p> <p>7 MR. BALZANO: Object to the form. Asking</p> <p>8 about questions -- I mean, invoice like</p> <p>9 descriptions of work from four years ago.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. Dr. Boyd, this invoice that you have in</p> <p>12 front of you from September of 2021, this invoice</p> <p>13 relates to work that you did in regard to your MDL</p> <p>14 expert report, correct?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Thank you.</p> <p>17 And if you don't remember what you were</p> <p>18 doing during this particular time that relates to</p> <p>19 the opinions that you're going to be giving in your</p> <p>20 expert report, you can tell me you don't remember</p> <p>21 what you were doing at that particular time. Okay?</p> <p>22 A. I'll be happy to.</p> <p>23 Q. But this is work that you did in support</p> <p>24 of the expert report that you're going to be -- that</p> <p>25 you provided, correct?</p>	<p style="text-align: right;">Page 17</p> <p>1 three dates?</p> <p>2 MR. BALZANO: Object to form.</p> <p>3 THE WITNESS: On those specific days or on</p> <p>4 those specific topics?</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Well, on those specific days. You have a</p> <p>7 total of eight hours that you spent over a three-day</p> <p>8 period of time you were working on your expert</p> <p>9 report related to the Saed abstract, correct?</p> <p>10 MR. BALZANO: Object to form.</p> <p>11 THE WITNESS: That's what I was doing over</p> <p>12 those three days, yes.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Okay. You don't recall what specifically</p> <p>15 you were doing during those three days, though, do</p> <p>16 you?</p> <p>17 MR. BALZANO: Object to form. Recalling</p> <p>18 specifically what you did four years ago on a</p> <p>19 specific day.</p> <p>20 MR. LAPINSKI: What's wrong with the form</p> <p>21 of it?</p> <p>22 MR. BALZANO: Well, I mean it's just we're</p> <p>23 asking questions about what he specifically</p> <p>24 did.</p> <p>25 MR. LAPINSKI: Yeah.</p>

<p style="text-align: right;">Page 18</p> <p>1 MS. DAVIDSON: Four years ago.</p> <p>2 MR. LAPINSKI: Yeah.</p> <p>3 MS. DAVIDSON: That's an absurd question.</p> <p>4 MR. LAPINSKI: Well, I don't know that</p> <p>5 absurd is the basis of an objection. But this</p> <p>6 is work that he did in support of his expert</p> <p>7 report, and if he doesn't know, that's fine, he</p> <p>8 doesn't know.</p> <p>9 THE WITNESS: I don't remember what I was</p> <p>10 doing specifically on those three days.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. Okay. As it relates to the SGO 2020 and</p> <p>13 the SRI 2021 poster presentations, did you do any</p> <p>14 type of document searches as it relates to those two</p> <p>15 posters?</p> <p>16 MR. BALZANO: Object to form.</p> <p>17 THE WITNESS: I don't remember.</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. Do you remember at any time doing any type</p> <p>20 of PubMed search or any other type of search in</p> <p>21 support of your opinions related to the Saed</p> <p>22 poster --</p> <p>23 MR. BALZANO: Object to form.</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. -- meaning the Saed 2020 SGO poster?</p>	<p style="text-align: right;">Page 20</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. Do you have a recollection of what</p> <p>3 additional documents you reviewed on that day?</p> <p>4 MR. BALZANO: Object to form.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MR. LAPINSKI:</p> <p>7 Q. Do you have a recollection of doing any</p> <p>8 type of a PubMed search or any other type of</p> <p>9 literature search on that particular day as it</p> <p>10 related to this Saed work?</p> <p>11 MR. BALZANO: Object to form.</p> <p>12 THE WITNESS: I have no recollection of</p> <p>13 such searches.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. Okay. How about on the following day,</p> <p>16 October 10? You spent eight and a half hours</p> <p>17 reviewing additional Saed documents and</p> <p>18 incorporating into the draft supplemental expert</p> <p>19 report for the MDL.</p> <p>20 Is that a correct statement?</p> <p>21 MR. BALZANO: Object to form. Just again</p> <p>22 objecting to this entire line of questioning.</p> <p>23 I mean asking specifically what Dr. Boyd</p> <p>24 searched four years ago, I certainly don't</p> <p>25 remember what I searched four years ago in</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I don't remember one way or the other.</p> <p>2 Q. Do you have any recollection of doing any</p> <p>3 type of med pub [sic] or other search related to the</p> <p>4 Saed SRI 2021 poster?</p> <p>5 MR. BALZANO: Object to form.</p> <p>6 THE WITNESS: I don't remember one way or</p> <p>7 the other.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. Okay. Did you review any documents</p> <p>10 related to the 2020 SGO poster?</p> <p>11 MR. BALZANO: Object to form. And</p> <p>12 review -- I mean vague.</p> <p>13 THE WITNESS: Documents other than the</p> <p>14 poster material itself?</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. Yeah, documents other than the poster</p> <p>17 itself.</p> <p>18 A. I don't recall.</p> <p>19 Q. On October 9, 2021, you spent eight hours</p> <p>20 reviewing additional Saed document productions and</p> <p>21 incorporation of a draft supplemental report for the</p> <p>22 MDL.</p> <p>23 Do you see that?</p> <p>24 A. I do.</p> <p>25 MR. BALZANO: Object to form.</p>	<p style="text-align: right;">Page 21</p> <p>1 Google or PubMed.</p> <p>2 MR. LAPINSKI: You're also not being paid</p> <p>3 to testify as an expert on Johnson & Johnson in</p> <p>4 regard to your opinions and work that you did.</p> <p>5 Your objection is noted. And for purposes of</p> <p>6 form, you can note your objection on the record</p> <p>7 and then you can just end it there. We don't</p> <p>8 need the colloquy, okay?</p> <p>9 MS. DAVIDSON: You get colloquy every</p> <p>10 single times your colleagues object.</p> <p>11 MR. LAPINSKI: My colleagues are not here.</p> <p>12 This is my deposition. This is how we're going</p> <p>13 it. Jessica, come on.</p> <p>14 MS. DAVIDSON: No. I'm not going to let</p> <p>15 you tell Anthony that he can't do it. Every</p> <p>16 other lawyer has done it in litigation.</p> <p>17 MR. LAPINSKI: Okay. I'm going to tell</p> <p>18 Anthony that he needs to abide by the Federal</p> <p>19 Rules, and to the extent that during other</p> <p>20 depositions you and/or lawyers don't abide by</p> <p>21 it, that's not my issue. My issue is here</p> <p>22 today, okay?</p> <p>23 MR. BALZANO: I'm going to try to just</p> <p>24 stick to objecting to form and I have, but</p> <p>25 sometimes --</p>

<p style="text-align: right;">Page 22</p> <p>1 MR. LAPINSKI: Appreciate that.</p> <p>2 MR. BALZANO: -- I may need to make the</p> <p>3 record clear.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. All right. Dr. Boyd, looking at the last</p> <p>6 entry on this, October 14, 2021, preparation for</p> <p>7 final supplemental expert report for the MDL, four</p> <p>8 hours there, correct?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. Okay. Do you have any recollection of</p> <p>13 what you did on that day?</p> <p>14 A. I prepared the final supplement expert</p> <p>15 report for the MDL, and I submitted it to Ms. Miller</p> <p>16 at the time.</p> <p>17 MS. DAVIDSON: And you submitted it to</p> <p>18 who? Me?</p> <p>19 THE WITNESS: Jessica Davidson, who at the</p> <p>20 time was Ms. Miller.</p> <p>21 BY MR. LAPINSKI:</p> <p>22 Q. Dr. Boyd, during any time in 2021, did you</p> <p>23 do any type of med pub searches in support of your</p> <p>24 opinions related to Dr. Saed's poster presentations?</p> <p>25 MS. DAVIDSON: When you said med pub, do</p>	<p style="text-align: right;">Page 24</p> <p>1 specific recollection in that context.</p> <p>2 Q. If you'd look at Exhibit 3, please.</p> <p>3 A. (Witness complies.)</p> <p>4 Q. And Exhibit 3 is an invoice for December</p> <p>5 of 2021, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you have two different line items of</p> <p>8 work that you did in December of 2021, both on</p> <p>9 December 26 of 2021; is that correct?</p> <p>10 MR. BALZANO: Same objections as the last</p> <p>11 exhibit.</p> <p>12 THE WITNESS: That's correct.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Okay. And the first part of that was an</p> <p>15 hour where you spent reviewing Harper, et al.,</p> <p>16 Minerva Obstetrics and Gynecology, correct?</p> <p>17 MR. BALZANO: Objection, form.</p> <p>18 THE WITNESS: That is correct.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. And that reference, that refers to the</p> <p>21 Saed article that was published in Minerva related</p> <p>22 to malignant transformation?</p> <p>23 MS. DAVIDSON: Objection.</p> <p>24 MR. BALZANO: Object to form.</p> <p>25 THE WITNESS: Could you ask the question</p>
<p style="text-align: right;">Page 23</p> <p>1 you mean PubMed?</p> <p>2 MR. LAPINSKI: Did I say med pub? Okay.</p> <p>3 MS. DAVIDSON: Yeah, you did.</p> <p>4 MR. LAPINSKI: Okay.</p> <p>5 MR. BALZANO: Object to form, vague.</p> <p>6 THE WITNESS: I almost certainly did.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. Do you have any recollection as you sit</p> <p>9 here of any results of any of the searches that you</p> <p>10 did?</p> <p>11 MR. BALZANO: Object to form. Vague.</p> <p>12 THE WITNESS: No. And I would just add</p> <p>13 that there's seldom a day that goes by in my</p> <p>14 professional life when I don't do a PubMed</p> <p>15 search or a Google search of some type, whether</p> <p>16 it's related to this litigation or my</p> <p>17 professional work. So generally speaking, it's</p> <p>18 very likely I would have done a PubMed search</p> <p>19 about something.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Well, my question was specific to Dr. Saed</p> <p>22 and whether you have a recollection of doing a</p> <p>23 search specific to Dr. Saed in your opinions on</p> <p>24 Dr. Saed?</p> <p>25 A. No specific recollection on that -- no</p>	<p style="text-align: right;">Page 25</p> <p>1 again, please?</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. Sure.</p> <p>4 That reference to review of Harper, et</p> <p>5 al., Minerva Obstetrics and Gynecology, is that the</p> <p>6 Saed article on malignant transformation that was</p> <p>7 published in Minerva?</p> <p>8 MR. BALZANO: Object to form.</p> <p>9 THE WITNESS: It was a Saed article, yes.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. Do you recall where you got that article</p> <p>12 from?</p> <p>13 MR. BALZANO: Object to form.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. Do you recall doing any type of PubMed</p> <p>17 searches in and around your review of the Harper</p> <p>18 Minerva Obstetrics and Gynecology article?</p> <p>19 MR. BALZANO: Object to form.</p> <p>20 THE WITNESS: Not specifically, no.</p> <p>21 BY MR. LAPINSKI:</p> <p>22 Q. If you look at Exhibit 4, please.</p> <p>23 A. (Witness complies.)</p> <p>24 Q. Exhibit 4 is an invoice from you that's</p> <p>25 dated April 18 of 2024, correct?</p>

<p style="text-align: right;">Page 26</p> <p>1 MR. BALZANO: Object to form.</p> <p>2 THE WITNESS: Correct.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. And this details work that you did</p> <p>5 beginning in December 18 of 2023 and running through</p> <p>6 April 4 of 2024; is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And, Dr. Boyd, this is all work that you</p> <p>9 did in support of your supplemental expert report?</p> <p>10 A. Are we asking about the MDL case now?</p> <p>11 Q. MDL and/or the New Jersey litigation.</p> <p>12 A. To the best -- I honestly don't understand</p> <p>13 the question.</p> <p>14 Q. Okay. The invoice that you have here,</p> <p>15 this is an invoice for work that you did on behalf</p> <p>16 of the Johnson & Johnson defendants?</p> <p>17 A. That is correct.</p> <p>18 Q. And it's work that you did related to the</p> <p>19 supplemental expert report that you've submitted in</p> <p>20 the MDL case?</p> <p>21 MR. BALZANO: I'm going to object. I</p> <p>22 think the document speaks for itself.</p> <p>23 THE WITNESS: Some of it is, and some of</p> <p>24 it is not.</p> <p>25</p>	<p style="text-align: right;">Page 28</p> <p>1 report, as would be work on March 19 involving</p> <p>2 completion of the supplemental expert report.</p> <p>3 March 23 seems to be relating to again to</p> <p>4 the Shawn Levy deposition which would be relevant to</p> <p>5 the supplemental expert report. Same for March 24.</p> <p>6 Same for March 25.</p> <p>7 March 28, review and editing of</p> <p>8 supplemental expert report obviously related to the</p> <p>9 aforementioned report. March 31 seems to be a mixed</p> <p>10 bag of work related to cases that are relevant to</p> <p>11 the supplemental expert report and in this case, as</p> <p>12 does work performed on April 1.</p> <p>13 Teleconference April 1, couldn't say.</p> <p>14 April 2nd, again reviewing and editing of</p> <p>15 supplemental expert report, would appear to be</p> <p>16 relevant. And again April 4, some of it relevant</p> <p>17 and some of it not to this particular supplemental</p> <p>18 expert report.</p> <p>19 Q. Okay. And I want to, for a minute, go</p> <p>20 back to the top of the second page, March 23 through</p> <p>21 25. Research and consulting to Jessica Davidson re:</p> <p>22 the Shawn Levy deposition.</p> <p>23 Was that research that you were doing as</p> <p>24 it relates to the opinions in your report?</p> <p>25 MR. BALZANO: I'm going to object and</p>
<p style="text-align: right;">Page 27</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. Can you tell me what parts of it are not?</p> <p>3 MR. BALZANO: Object to form.</p> <p>4 THE WITNESS: Well, any teleconference I</p> <p>5 had with any of the lawyers listed here --</p> <p>6 BY MR. LAPINSKI:</p> <p>7 Q. I'm going to interrupt real fast. I don't</p> <p>8 want to know anything that was said with the</p> <p>9 lawyers. Just want to know whether or not it</p> <p>10 relates to the MDL or not, okay?</p> <p>11 A. That's fine because I don't remember. I</p> <p>12 was just going through the line items.</p> <p>13 Q. Okay.</p> <p>14 A. Preparation of written critique of Emi, et</p> <p>15 al., for incorporation to a expert report, that</p> <p>16 would have been included in the supplemental expert</p> <p>17 report. Same for March 9, 2024, including review of</p> <p>18 Shawn Levy expert report.</p> <p>19 Same for March 10, exactly the same thing.</p> <p>20 Writing the supplemental expert report on March 15,</p> <p>21 same thing. And if we can just -- March 17,</p> <p>22 March 18, writing supplemental expert report,</p> <p>23 obviously related to preparing the expert report.</p> <p>24 Work on March 18 related to the deposition</p> <p>25 of Dr. Levy related to the supplemental expert</p>	<p style="text-align: right;">Page 29</p> <p>1 caution the witness to not reveal any</p> <p>2 privileged information or substance of any of</p> <p>3 these conversations.</p> <p>4 Object to form, too. The document speaks</p> <p>5 for itself.</p> <p>6 MS. DAVIDSON: I don't think he can answer</p> <p>7 that question.</p> <p>8 MR. LAPINSKI: He can answer the question</p> <p>9 as to whether or not research he was doing was</p> <p>10 related to his opinion and his report.</p> <p>11 MR. BALZANO: It says research and</p> <p>12 consulting.</p> <p>13 MR. LAPINSKI: And I didn't ask him about</p> <p>14 the consulting. I asked him about the</p> <p>15 research.</p> <p>16 MR. BALZANO: But the research would have</p> <p>17 been relevant to privileged conversations.</p> <p>18 MS. DAVIDSON: Yeah, this was a privileged</p> <p>19 conversation.</p> <p>20 MR. LAPINSKI: Let's break them up one by</p> <p>21 one.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. March 23, 2024, is the work here that was</p> <p>24 research and consulting to Jessica Davidson re: the</p> <p>25 Shawn Levy deposition.</p>

<p style="text-align: right;">Page 30</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. On that day did you do two hours of</p> <p>4 research and consulting related to the Shawn Levy</p> <p>5 deposition?</p> <p>6 MR. BALZANO: Object to form.</p> <p>7 THE WITNESS: Yes.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. Any of the research that you did on</p> <p>10 March 23, 2024, relevant to the opinions that you're</p> <p>11 going to be expressing in this case?</p> <p>12 MR. BALZANO: Object to form.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. Can you tell me the research that you did</p> <p>16 on March 23 that's relevant to the opinions you're</p> <p>17 expressing in this case?</p> <p>18 MR. BALZANO: I think I'm going to object</p> <p>19 on privileged grounds for this. I think the</p> <p>20 research, as it relates to this specific line</p> <p>21 item, is too tied to whatever privileged</p> <p>22 conversations were had on that call.</p> <p>23 MR. LAPINSKI: Okay. The witness -- the</p> <p>24 witness -- hang on one second.</p> <p>25 The witness just testified that the work</p>	<p style="text-align: right;">Page 32</p> <p>1 opposed to something that Dr. Boyd can possibly</p> <p>2 know what he can answer to and what he can't</p> <p>3 answer to.</p> <p>4 And I'm not sure that what you mean by</p> <p>5 related to your opinions is what he means by</p> <p>6 related to your opinions. I'm concerned about</p> <p>7 this line of questioning. So I think -- and I</p> <p>8 know that he is new at this.</p> <p>9 (To the witness.) Dr. Boyd, to the extent</p> <p>10 that you did research that under Rule 26, I</p> <p>11 think the line that should be drawn is if you</p> <p>12 did research that underlies your opinions that</p> <p>13 you're going to give in this case, then I do</p> <p>14 agree with Dan, that that's discoverable.</p> <p>15 If you did research because I had a</p> <p>16 question about the deposition I was taking and</p> <p>17 I wanted your input, that is not appropriate</p> <p>18 because that wouldn't have influenced your</p> <p>19 opinions, that was for me.</p> <p>20 Does that make sense?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MS. DAVIDSON: From a legal perspective?</p> <p>23 I'm sorry. I know you didn't want me to</p> <p>24 interrupt, but I'm trying to like make this go</p> <p>25 smooth and explain to the witness since he's</p>
<p style="text-align: right;">Page 31</p> <p>1 that he did on May 23 is relevant to the</p> <p>2 opinions that he's going express in this case,</p> <p>3 right?</p> <p>4 To the extent that he just testified that</p> <p>5 the research that he did is relevant to the</p> <p>6 opinions that he's expressed, you can't say</p> <p>7 that it's privileged research because it's</p> <p>8 research that he's going to be using for</p> <p>9 purposes of his opinion.</p> <p>10 MR. BALZANO: Well, I'm just going to</p> <p>11 caution the witness to not reveal any substance</p> <p>12 of that privileged conversation.</p> <p>13 MR. LAPINSKI: I'm not asking for any --</p> <p>14 I'm not asking for any conversations. I'm not</p> <p>15 asking for him to reveal any privileged</p> <p>16 conversations.</p> <p>17 My question is simply, during that</p> <p>18 two-hour period of time you did research that's</p> <p>19 related to the opinions you're going to express</p> <p>20 in this case, correct?</p> <p>21 MR. BALZANO: Objection. Because it says</p> <p>22 research and consulting. Like it still seems</p> <p>23 to me like it's too intrinsically linked.</p> <p>24 MS. DAVIDSON: Related to -- I'm just</p> <p>25 concerned that this is raising a legal issue as</p>	<p style="text-align: right;">Page 33</p> <p>1 not a lawyer.</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. So with Jessica's instruction in mind as</p> <p>4 it relates to privilege, is there any work that you</p> <p>5 did on March 23, 2023, that would be relevant to the</p> <p>6 opinions that you're expressing in this case?</p> <p>7 MS. DAVIDSON: And again I'm just saying,</p> <p>8 it's not really relevant. I would say -- I</p> <p>9 wish I had Rule 26 in front of me, but it's</p> <p>10 data and research that underlie your opinion or</p> <p>11 the basis for your opinion, not just relevant</p> <p>12 generally; in other words, generally relevant</p> <p>13 to anything on talc. So I'm just wondering if</p> <p>14 you can make that more --</p> <p>15 MR. LAPINSKI: Sure. Let me take a step</p> <p>16 back.</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. Dr. Boyd, there are situations where you</p> <p>19 may be conferring with counsel and counsel maybe</p> <p>20 asking you for assistance as it relates to certain</p> <p>21 things and you provide information to counsel at</p> <p>22 their request, okay?</p> <p>23 Is March 23 an example of what was done on</p> <p>24 that day?</p> <p>25 MR. BALZANO: Object to form. I mean --</p>

<p style="text-align: right;">Page 34</p> <p>1 MR. LAPINSKI: Hang on one second. You</p> <p>2 objected to the form.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. You can answer that question.</p> <p>5 A. After the recent back and forth, I would</p> <p>6 conclude that the work I did on March 23, March 24</p> <p>7 and March 25 was more in line with the description</p> <p>8 that you just gave.</p> <p>9 Q. Which is what description? What's your</p> <p>10 understanding of what that work was?</p> <p>11 A. Consulting with Ms. Davidson over</p> <p>12 Shawn Levy's testimony.</p> <p>13 Q. That three-day period of time did not have</p> <p>14 anything to do with you forming and writing your</p> <p>15 opinions in the supplemental expert report, correct?</p> <p>16 A. Based on the way I worded this</p> <p>17 particular -- these particular line items, I would</p> <p>18 answer your question, yes, correct.</p> <p>19 Q. I want to go back to the first page, and</p> <p>20 there's a similar entry at the bottom of the first</p> <p>21 page from March 18. Now, is it correct that the one</p> <p>22 hour of time that you spent on March 18 was</p> <p>23 unrelated to the formation of the opinions that</p> <p>24 you're going to be sharing in this case?</p> <p>25 A. Inasmuch as my wording is exactly the same</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. LAPINSKI: I'm sorry March 31, 2024</p> <p>2 entry.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. And that's an hour and a half that you</p> <p>5 spent on the review of pathology and clinical</p> <p>6 reports of Plaintiffs Newsome, Bondurant, Rausa,</p> <p>7 Judkins, Converse and Gallardo, with an expert</p> <p>8 report of Shawn Levy, correct?</p> <p>9 MR. BALZANO: I'm going object to form.</p> <p>10 It seems like that this isn't related to the</p> <p>11 MDL or Carl or the Balderrama case.</p> <p>12 MS. DAVIDSON: It is, it is.</p> <p>13 I'm sorry.</p> <p>14 MR. LAPINSKI: And just for the record,</p> <p>15 this invoice does say:</p> <p>16 "Work as expert in preparation of</p> <p>17 supplemental expert report." So to the extent</p> <p>18 that it's on here, my assumption is that it's</p> <p>19 related. That's why I'm asking the question.</p> <p>20 MS. DAVIDSON: He jumped all over the</p> <p>21 place.</p> <p>22 MR. LAPINSKI: Okay.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. But looking at that March 31, 2024, entry</p> <p>25 Dr. Boyd, that was an hour and half of time that you</p>
<p style="text-align: right;">Page 35</p> <p>1 as for March 23 through 25, I would say that -- the</p> <p>2 same answer, yes, unrelated to the opinions that I'm</p> <p>3 going render in this case.</p> <p>4 Q. Going to the top of the first page,</p> <p>5 12/18/23, there's a teleconference with</p> <p>6 Mark Hegerty. Mark Hegerty is an attorney for the</p> <p>7 defendant, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And did this teleconference have anything</p> <p>10 to do with forming the opinions that you're going to</p> <p>11 be sharing in this case?</p> <p>12 MR. BALZANO: Object to form.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. How about the line item below that which</p> <p>16 is January 8, 2024. Your one-hour conversation with</p> <p>17 Ms. Davidson. Anything during that one-hour</p> <p>18 conference with Ms. Davidson that you're relying</p> <p>19 upon for purposes of your opinions in this case?</p> <p>20 MR. BALZANO: Object to form.</p> <p>21 THE WITNESS: I honestly can't recall.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. If you go back to the second page of this</p> <p>24 exhibit and look at your May 31, 2024 entry.</p> <p>25 MR. BALZANO: Sorry. You said May?</p>	<p style="text-align: right;">Page 37</p> <p>1 spent reviewing pathology and clinical reports of --</p> <p>2 as Jessica referred to them -- bellwether</p> <p>3 plaintiffs, correct?</p> <p>4 A. To the extent I understand what a</p> <p>5 bellwether plaintiff is.</p> <p>6 Q. Well, on March 31 you spent an hour and a</p> <p>7 half reviewing pathology and clinical reports of six</p> <p>8 individuals listed that are there, correct?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 MS. DAVIDSON: I can tell you that that's</p> <p>11 not related to his expert reports. I remember</p> <p>12 why I asked him and this would be not be -- no,</p> <p>13 no. This is important. This is not something</p> <p>14 that he should be --</p> <p>15 MR. LAPINSKI: It's going to be quicker if</p> <p>16 I ask the questions that I ask. I'm not</p> <p>17 doing --</p> <p>18 MS. DAVIDSON: Yeah. But I need to assert</p> <p>19 the privilege here because this was not related</p> <p>20 to the actual items in his expert report or his</p> <p>21 expert opinions, but I remember why I wanted to</p> <p>22 ask him those questions.</p> <p>23 MR. LAPINSKI: Better if I have the</p> <p>24 testimony from him than from you.</p> <p>25 MS. DAVIDSON: I understand. But he did</p>

<p style="text-align: right;">Page 38</p> <p>1 not remember or understand the privilege.</p> <p>2 MR. LAPINSKI: And that's -- I'm going to</p> <p>3 ask questions that will clarify all of that.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. Dr. Boyd, this one-and-half-hour period of</p> <p>6 time related to -- related to individual plaintiffs</p> <p>7 and review of their medical records, does that time</p> <p>8 that you spent there have any relevance to the</p> <p>9 opinions that you're going to be expressing in this</p> <p>10 MDL?</p> <p>11 MR. BALZANO: Object to form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Okay. Dr. Boyd, have you been asked to</p> <p>15 provide case-specific opinions for any of the six</p> <p>16 plaintiffs that are part of this federal trial?</p> <p>17 MR. BALZANO: Object to form.</p> <p>18 MS. DAVIDSON: Do you know what that</p> <p>19 means?</p> <p>20 THE WITNESS: Not really.</p> <p>21 MS. DAVIDSON: That's what I figured.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. Okay. Dr. Boyd, have you been asked to</p> <p>24 provide an opinion as to the cause of ovarian cancer</p> <p>25 in any of the six individuals who are currently</p>	<p style="text-align: right;">Page 40</p> <p>1 important, Dan.</p> <p>2 MR. LAPINSKI: It's important, and that's</p> <p>3 what Anthony's job is.</p> <p>4 MS. DAVIDSON: I understand, but I'm the</p> <p>5 one who had these conversations. And this</p> <p>6 Anthony's first expert deposition.</p> <p>7 MR. LAPINSKI: I understand that. I get</p> <p>8 it, but it doesn't mean that it's two lawyers</p> <p>9 that get to participate in the deposition.</p> <p>10 MS. DAVIDSON: I'm not running the</p> <p>11 deposition. I'm ensuring my privileged</p> <p>12 communications with Mr. Boyd are protected.</p> <p>13 MR. LAPINSKI: That's what Anthony's job</p> <p>14 is here. I'm just reminding you of that,</p> <p>15 Jessica, okay?</p> <p>16 MS. DAVIDSON: I understand. And I'm --</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. I'm not looking for any privileged</p> <p>19 information, Dr. Boyd, okay? I'm looking for what</p> <p>20 you know based upon what your understanding is of</p> <p>21 the work that you've done. Okay?</p> <p>22 Is it your understanding that you will be</p> <p>23 giving testimony as it relates to bellwether</p> <p>24 plaintiffs and the specific cause of their ovarian</p> <p>25 cancer?</p>
<p style="text-align: right;">Page 39</p> <p>1 identified as bellwether plaintiffs in the federal</p> <p>2 litigation?</p> <p>3 MR. BALZANO: Object to form. Also think</p> <p>4 it's outside the scope of his supplemental</p> <p>5 expert report.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. You have been asked to provide specific</p> <p>9 causation testimony as it relates to individual</p> <p>10 plaintiffs?</p> <p>11 A. No, not testimony.</p> <p>12 MR. BALZANO: Object to form.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Have you been asked to provide case</p> <p>15 specific opinions as it relates to individuals?</p> <p>16 MS. DAVIDSON: Hold on, hold on, hold on.</p> <p>17 By opinions, he means disclosed opinions</p> <p>18 that you're going to testify at trial. Not if</p> <p>19 I asked you questions. This is important. Not</p> <p>20 if I asked you questions about these people.</p> <p>21 MR. BALZANO: And objecting to --</p> <p>22 MS. DAVIDSON: Like when I ask you, hey,</p> <p>23 Dr. Boyd, something, and you tell me your</p> <p>24 opinion, that's not -- the word opinion here</p> <p>25 has a very specific legal meaning. This is</p>	<p style="text-align: right;">Page 41</p> <p>1 A. At this point in time, no.</p> <p>2 Q. You have not been asked to do that at this</p> <p>3 point in time, correct?</p> <p>4 A. That's correct.</p> <p>5 MS. DAVIDSON: Those questions were worded</p> <p>6 this an appropriate way. So if you have</p> <p>7 further questions, I think the way you just</p> <p>8 worded it, we won't have objections and Anthony</p> <p>9 won't object.</p> <p>10 MR. LAPINSKI: So I'm doing my job right?</p> <p>11 MS. DAVIDSON: You're doing your job</p> <p>12 right.</p> <p>13 MR. LAPINSKI: Note that on the record,</p> <p>14 please.</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. Beyond the hour-and-a-half time you spent</p> <p>17 on May 31 reviewing pathology and clinical reports,</p> <p>18 have you reviewed any other medical records related</p> <p>19 to the six bellwether plaintiffs in this case?</p> <p>20 MR. BALZANO: I think you meant March 31.</p> <p>21 MR. LAPINSKI: Did I say "May" again?</p> <p>22 MR. BALZANO: Yes.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. So let me ask the question again. Going</p> <p>25 back to the March 31, 2024 entry, other than the</p>

<p style="text-align: right;">Page 42</p> <p>1 hour-and-a-half time that you spent on the review of</p> <p>2 pathology and clinical reports for the six</p> <p>3 bellwether plaintiffs, have you reviewed any other</p> <p>4 medical records related to this case?</p> <p>5 MR. BALZANO: Object to form. Vague.</p> <p>6 THE WITNESS: Not that I recall.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. Okay. Now on April 1, you spent an hour</p> <p>9 doing a review of clinical records of Balderamma and</p> <p>10 Carl, do you see that entry?</p> <p>11 A. I do.</p> <p>12 Q. Do you know who Balderrama and Carl are?</p> <p>13 MR. BALZANO: Object to form.</p> <p>14 THE WITNESS: I assume they're plaintiffs.</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. That's a good assumption. I just didn't</p> <p>17 know whether or not you knew where they were</p> <p>18 plaintiffs or who they were, and I'm just trying to</p> <p>19 be able to get your understanding so that we can lay</p> <p>20 a proper foundation.</p> <p>21 A. Understood.</p> <p>22 Q. Do you know who Carl and/or Balderrama</p> <p>23 are?</p> <p>24 MR. BALZANO: Objection. Asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. (Witness complies.)</p> <p>2 I'm sorry. Where are we?</p> <p>3 Q. Sure.</p> <p>4 If you look at the bottom of the second</p> <p>5 page of Exhibit 4, the last entry that you have on</p> <p>6 there is April 4 of 2024, correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Okay. Have you done any work in support</p> <p>9 of your opinions that are being provided in this</p> <p>10 case since April 4 of 2024?</p> <p>11 A. This case being talc litigation generally</p> <p>12 or MDL?</p> <p>13 Q. So it would either be the MDL litigation</p> <p>14 or the New Jersey litigation that's pending in</p> <p>15 Atlantic County.</p> <p>16 A. Yes.</p> <p>17 Q. Can you tell me what additional work you</p> <p>18 have done since April 4 of 2024?</p> <p>19 A. Research.</p> <p>20 Q. Can you tell me what type of search you've</p> <p>21 done since April 4?</p> <p>22 A. Research related to talc and ovarian</p> <p>23 cancer and research related to preparation of my</p> <p>24 supplemental expert report, occasionally</p> <p>25 teleconferences with counsel and so forth.</p>
<p style="text-align: right;">Page 43</p> <p>1 THE WITNESS: I assume that they're</p> <p>2 plaintiffs.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. Okay. Are you aware that they're</p> <p>5 plaintiffs in the New Jersey litigation that's</p> <p>6 pending in Atlantic County, New Jersey?</p> <p>7 MR. BALZANO: Object to form. Object to</p> <p>8 asked and answered.</p> <p>9 THE WITNESS: No. I can't say I knew the</p> <p>10 specifics of which state and so forth, no.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. Have you been asked to provide</p> <p>13 case-specific testimony on the cause of</p> <p>14 Ms. Balderrama's ovarian cancer?</p> <p>15 A. No.</p> <p>16 Q. Have you been asked to provide case</p> <p>17 specific testimony as to the cause of Ms. Carl's</p> <p>18 ovarian cancer?</p> <p>19 A. No.</p> <p>20 Q. Dr. Boyd, Exhibit 4 is an invoice for work</p> <p>21 that you've done up through April 4 of 2024,</p> <p>22 correct?</p> <p>23 A. If I --</p> <p>24 Q. If you look at the second page, the last</p> <p>25 entry on the second page.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Taking teleconferences with counsel out of</p> <p>2 it, describe for me the research that you've done as</p> <p>3 it relates to talc and ovarian cancer since April 4.</p> <p>4 A. Reading documents, reading literature.</p> <p>5 Q. Do you know what documents you've read?</p> <p>6 A. I couldn't possibly say over that period</p> <p>7 of time. I spent hours going through documents,</p> <p>8 going through PubMed, going through Google, reading</p> <p>9 the same documents over and over. I have a poor</p> <p>10 memory.</p> <p>11 Q. Do you know approximately how much time</p> <p>12 you spent doing that?</p> <p>13 A. Since April 4?</p> <p>14 Q. Yes.</p> <p>15 A. Forty-one hours.</p> <p>16 Q. Forty-one hours?</p> <p>17 A. Yes.</p> <p>18 Q. You quickly said 41 hours. Have you</p> <p>19 recently prepared an invoice that was submitted to</p> <p>20 Johnson & Johnson as it relates to that?</p> <p>21 MR. BALZANO: Object to form.</p> <p>22 THE WITNESS: No, I suspected you would</p> <p>23 ask the question.</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. No, I didn't say anything about 41 hours.</p>

<p style="text-align: right;">Page 46</p> <p>1 MS. DAVIDSON: No. He's saying he</p> <p>2 suspected you would ask the question, so he did</p> <p>3 the math. I think that's what he was saying.</p> <p>4 THE WITNESS: I wanted to be ready.</p> <p>5 MR. LAPINSKI: I should have objected to</p> <p>6 your form of your question to me.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. So you spent -- from April 4, 2024 until</p> <p>9 today, you've spent an additional 41 hours as it</p> <p>10 relates to this ongoing litigation?</p> <p>11 A. Roughly, yes. I think that's fair.</p> <p>12 Q. Part of that 41 hours included conference</p> <p>13 calls with counsel, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know approximately how much of that</p> <p>16 41 hours related to conference calls that you had</p> <p>17 with counsel?</p> <p>18 MR. BALZANO: Object to form. I don't</p> <p>19 think the question is asking privilege, but</p> <p>20 just caution him not to reveal privileged</p> <p>21 information.</p> <p>22 THE WITNESS: A minority of that time</p> <p>23 would have been spent with teleconferences with</p> <p>24 counsel.</p> <p>25</p>	<p style="text-align: right;">Page 48</p> <p>1 to us. It's a CV that's dated August 1, 2023.</p> <p>2 Do you see that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. And this is your CV, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Is this the most updated CV that you have?</p> <p>7 A. Obviously, it's a year old, but for all</p> <p>8 practical purposes, there's nothing substantive that</p> <p>9 I would add to it today if I could.</p> <p>10 Q. Okay. Dr. Boyd, you're not a medical</p> <p>11 doctor, correct?</p> <p>12 A. That is correct.</p> <p>13 Q. Do you hold yourself out to be an expert</p> <p>14 in gynecology?</p> <p>15 MR. BALZANO: Object to form.</p> <p>16 THE WITNESS: No, I'm not a gynecologist.</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. Are you planning to give medical diagnosis</p> <p>19 opinions in this case?</p> <p>20 A. No, I'm not.</p> <p>21 Q. Do you hold yourself out to be an expert</p> <p>22 in medical oncology?</p> <p>23 A. I do not.</p> <p>24 Q. Okay. Are you an expert in pathology?</p> <p>25 A. These are relatively vague questions now.</p>
<p style="text-align: right;">Page 47</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. Do you know how much time was spent</p> <p>3 editing your supplemental expert report?</p> <p>4 A. I couldn't say --</p> <p>5 Q. Okay.</p> <p>6 A. -- with certainty.</p> <p>7 Q. But some of the time was spent editing</p> <p>8 your supplemental expert report?</p> <p>9 A. Yes. This is the report, May 24 if I</p> <p>10 recall. So that would have been -- the work up</p> <p>11 until May 24, 2024 would have been involved</p> <p>12 finalizing the report, yes.</p> <p>13 MS. DAVIDSON: Can we go off the record</p> <p>14 for a second?</p> <p>15 MR. LAPINSKI: Sure.</p> <p>16 (At 10:37 a.m. a recess was taken.)</p> <p>17 (At 10:47 a.m. the deposition resumes.)</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. We're back on the record.</p> <p>20 Dr. Boyd, I'm going to have handed to you</p> <p>21 a document that has been marked as Boyd Exhibit 5.</p> <p>22 (Boyd Exhibit 5 was received and marked</p> <p>23 for identification, as of this date.)</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. Dr. Boyd, this is a CV that was produced</p>	<p style="text-align: right;">Page 49</p> <p>1 I'm a professor in the Department of</p> <p>2 Pathology and Laboratory Medicine at Northwell</p> <p>3 Health. I'm not a practicing anatomic or clinical</p> <p>4 pathologist, however.</p> <p>5 Q. Have you ever held yourself out to be an</p> <p>6 expert in pathology?</p> <p>7 MR. BALZANO: I'm going to object to this</p> <p>8 line of questioning just because this could</p> <p>9 have been asked in 2019. My understanding is</p> <p>10 that the scope of this deposition should be</p> <p>11 limited to the supplemental report.</p> <p>12 But you can answer.</p> <p>13 THE WITNESS: I did not hold myself out as</p> <p>14 a pathologist.</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. Just for purposes of foundation, Dr. Boyd,</p> <p>17 your supplemental expert report, you're relying upon</p> <p>18 your experience and certain expertise to formulate</p> <p>19 the opinions that you have in this case, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Do you conduct laboratory research?</p> <p>22 A. Some, yes.</p> <p>23 Q. When is the last time you were in a lab</p> <p>24 conducting research?</p> <p>25 A. The last time I was physically in a lab</p>

<p style="text-align: right;">Page 50</p> <p>1 conducting research, it's been probably 20 years, 2 which is very different than meeting or conducting a 3 service. 4 Q. Do you have an active laboratory-based 5 research program? 6 A. Yes. I participate in laboratory research 7 programs in terms of collaboration. I do not have 8 my own personal research laboratory at this time in 9 my career. 10 Q. Would you agree that a large portion of 11 your career has been spent in clinical departments 12 of hospitals or treatment centers? 13 MR. BALZANO: Object to form. 14 THE WITNESS: Yes, I would agree that a 15 large proportion of my career has been spent in 16 clinical settings, yes. 17 BY MR. LAPINSKI: 18 Q. Have you ever presented on the topic of 19 genital talcum powder use and ovarian cancer? 20 MR. BALZANO: Object to form. And again I 21 would just object to the -- that this should be 22 just limited to period between 2019 and now. 23 BY MR. LAPINSKI: 24 Q. And you are going to be testifying, and 25 your supplemental report involves talcum powder and</p>	<p style="text-align: right;">Page 52</p> <p>1 which is your February 2019 -- 2 MR. BALZANO: Actually, I don't have a 3 copy. 4 MR. LAPINSKI: Well, you can take it 5 anyway. That's less that I have to bring home. 6 (Boyd Exhibit 6 was received and marked 7 for identification, as of this date.) 8 THE WITNESS: (Witness reviews document.) 9 BY MR. LAPINSKI: 10 Q. Dr. Boyd, you've had put in front of you a 11 document that has been marked as Exhibit 6. And if 12 you could take a minute to look at that and let me 13 know if you've had an opportunity to look at it. 14 A. Yes, I have. 15 Q. And as it relates to your 2019 report -- 16 and I'm not going into -- I have a couple of 17 questions just in order to be able to rule out the 18 fact that 2019 report can be put aside. 19 So the 2019 report contains your opinions 20 on Dr. Saed's 2019 article that was published in 21 reproductive sciences, correct? 22 A. And related issues around Dr. Saed's 23 research, yes. 24 Q. Okay. And since the 2019 report, you've 25 submitted a supplemental report in this case that's</p>
<p style="text-align: right;">Page 51</p> <p>1 ovarian cancer, correct? 2 A. Correct. 3 Q. Have you ever presented on the topic of 4 genital talcum powder use and ovarian cancer? 5 MR. BALZANO: Just going to object again 6 to the scope and just that this should be 7 limited to 2019, from his last report until 8 now. 9 MS. DAVIDSON: Dan, the way the question's 10 been asked is since 2019, have you; and then he 11 won't object. 12 BY MR. LAPINSKI: 13 Q. Since 2019 have you conducted any research 14 on genital talcum powder use and ovarian cancer? 15 A. No, I have not. 16 Q. Since 2019, have you ever presented on the 17 topic of genital talcum powder use and ovarian 18 cancer? 19 A. No. 20 Q. Since 2019, is any of your research 21 focused on epidemiology regarding chronic 22 inflammation of the development of cancer? 23 A. No. 24 Q. I'm going to have marked as Exhibit 6 and 25 put in front of you Dr. Boyd, the next exhibit,</p>	<p style="text-align: right;">Page 53</p> <p>1 dated May 24 of 2024, correct? 2 A. Correct. 3 Q. Okay. 4 MR. LAPINSKI: I'm going to have that 5 marked as Exhibit 7, please. 6 (Boyd Exhibit 7 was received and marked 7 for identification, as of this date.) 8 THE WITNESS: Thank you. 9 (Witness reviews document.) 10 BY MR. LAPINSKI: 11 Q. I'm going to stick with Exhibit 6 for a 12 minute, Dr. Boyd, but I just wanted to be able to 13 put Exhibit 7 in front of you. 14 And Exhibit 7 is the supplemental report 15 dated May 24, 2024, you've provided in this case, 16 correct? 17 A. Yes. 18 Q. Okay. And your supplemental report of 19 May 24, 2024, adopts by reference your 2019 report? 20 A. I'm sorry. Could you repeat the question? 21 Q. Sure. 22 Your May 24, 2024 report adopts by 23 reference your original 2019 report, correct? 24 MR. BALZANO: Object to form. Could 25 you -- is there somewhere where it says that</p>

<p style="text-align: right;">Page 54</p> <p>1 specifically on this?</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. If he can answer the question, he can</p> <p>4 answer the question.</p> <p>5 A. I'm not really square on the terminology</p> <p>6 with respect to adopts.</p> <p>7 Q. If you look on page -- if you look on</p> <p>8 page 3 of your 2024 report.</p> <p>9 A. (Witness complies.)</p> <p>10 Q. Which is the supplemental report.</p> <p>11 I'm going to go down to the second full</p> <p>12 paragraph that starts off with "First paper."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And I'm going to go about halfway</p> <p>16 down that paragraph, and the sentence starts on the</p> <p>17 right-hand side. Says:</p> <p>18 "I discussed this article" -- which is</p> <p>19 referring to the Fletcher/Saed 2019 -- "in depth in</p> <p>20 my original report (submitted herewith), and I do</p> <p>21 not repeat that discussion here."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Okay. So are we in agreement that, for</p> <p>25 purposes of your supplemental report, you're not</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Does your supplemental report in any way</p> <p>2 cite to new studies that you're relying upon in</p> <p>3 further support of your 2019 opinions?</p> <p>4 MR. BALZANO: Object to form.</p> <p>5 THE WITNESS: Yes. It refers to new</p> <p>6 studies since 2019 by Dr. Saed and colleagues.</p> <p>7 MS. DAVIDSON: I'm not sure you guys</p> <p>8 are --</p> <p>9 MR. LAPINSKI: Yeah.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. So your supplemental report --</p> <p>12 MS. DAVIDSON: I think your question is</p> <p>13 too legalese for him.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. Okay. Your supplemental report addresses</p> <p>16 Dr. Saed's supplemental work, correct?</p> <p>17 A. My supplemental report addresses work done</p> <p>18 since 2019 by Dr. Saed.</p> <p>19 Q. Okay. Your supplemental report doesn't</p> <p>20 have anything in it that goes back and at all</p> <p>21 amends, supplements, or supports the opinions that</p> <p>22 you first shared in 2019, correct?</p> <p>23 A. As far as I recall, no.</p> <p>24 Q. Okay.</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 55</p> <p>1 repeating the discussions that -- and your opinions</p> <p>2 that were in your 2019 report, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And in your supplemental report, do you</p> <p>5 cite to any new studies in further support of your</p> <p>6 opinions in the 2019 article -- strike that.</p> <p>7 In your supplemental report, do you cite</p> <p>8 to any new studies in further support of your</p> <p>9 opinions that you provided in 2019?</p> <p>10 MR. BALZANO: Object to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. What are the studies that you cite to in</p> <p>14 your supplemental report that relate back to your</p> <p>15 2019 report?</p> <p>16 A. Additional work done by Dr. Saed and</p> <p>17 co-authors.</p> <p>18 Q. Well, just so we're clear, there was</p> <p>19 additional work done by Dr. Saed and his co-authors</p> <p>20 since the time of your 2019 report, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And your supplemental report provides</p> <p>23 opinions of that supplemental work that was done by</p> <p>24 Dr. Saed, correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. We shall -- we're going to look at,</p> <p>2 Dr. Boyd, your 2024 supplemental report.</p> <p>3 A. (Witness complies.)</p> <p>4 Q. That report has been marked as Exhibit 7.</p> <p>5 Dr. Boyd, can you tell me how did you go</p> <p>6 about preparing this report?</p> <p>7 MR. BALZANO: Object to form. Vague.</p> <p>8 THE WITNESS: Yeah, it's a difficult</p> <p>9 question to answer. I reviewed additional data</p> <p>10 and materials submitted by Dr. Saed and</p> <p>11 co-authors to various national meetings. I</p> <p>12 reviewed an additional manuscript that was</p> <p>13 eventually published by Dr. Saed and</p> <p>14 colleagues. I reviewed, as it says here on</p> <p>15 page 16, other mechanistic studies relied on by</p> <p>16 plaintiffs' experts, including papers by</p> <p>17 Drs. Mandarino and Emi.</p> <p>18 I briefly reviewed a new paper by</p> <p>19 Dr. O'Brien. And I went into -- and I'm sorry.</p> <p>20 There was an additional -- what appeared to be</p> <p>21 a review article by Dr. Saed published in 2024</p> <p>22 that I briefly commented on.</p> <p>23 And I also reviewed in some detail the</p> <p>24 content of Dr. Shawn Levy's expert report. And</p> <p>25 in so doing, relied on that material, carefully</p>

<p style="text-align: right;">Page 58</p> <p>1 researched and put together what I hope is an</p> <p>2 informative report based on my opinion.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. And when you say that after you carefully</p> <p>5 reviewed it, you researched it, can you tell me what</p> <p>6 you did for purposes of researching it?</p> <p>7 A. Not specifically. Whenever issues come up</p> <p>8 that I'm interested in pursuing further or may have</p> <p>9 questions about, I'll always go to the Internet and</p> <p>10 look at material that may be relevant or may not be.</p> <p>11 Q. And do you have a recollection of any</p> <p>12 specific searches that you did on the Internet as it</p> <p>13 relates to your preparation of this report?</p> <p>14 A. No.</p> <p>15 Q. Other than the documents that you just</p> <p>16 went through that you reviewed in preparation of</p> <p>17 this report, did you review any other documents?</p> <p>18 MR. BALZANO: Object to form.</p> <p>19 THE WITNESS: Probably.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Do you have a recollection of any other</p> <p>22 documents that you reviewed?</p> <p>23 A. Not specifically.</p> <p>24 Q. Do you have a recollection of reviewing</p> <p>25 any journal articles other than the ones that you</p>	<p style="text-align: right;">Page 60</p> <p>1 document? No.</p> <p>2 I discussed with counsel what additional</p> <p>3 materials I had relied upon in forming my</p> <p>4 opinion relevant to this case, and I think</p> <p>5 someone in the Skadden office probably actually</p> <p>6 prepared the list.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. And this list -- this list of additional</p> <p>9 materials considered since May 24 lists five</p> <p>10 different deposition transcripts and exhibits,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. Have you reviewed any additional</p> <p>14 materials -- strike that.</p> <p>15 Have you considered any additional</p> <p>16 materials as related to your opinions since</p> <p>17 May 2024?</p> <p>18 A. None that inform my opinion on this case,</p> <p>19 no.</p> <p>20 Q. Dr. Boyd, if we take Exhibit 8, which is</p> <p>21 your additional materials considered since May 24,</p> <p>22 2024, and we take the materials considered that you</p> <p>23 have listed in your May 24th report and then also</p> <p>24 take the materials considered that you have listed</p> <p>25 in your 2019 report, would that comprise the</p>
<p style="text-align: right;">Page 59</p> <p>1 cite in your paper?</p> <p>2 MR. BALZANO: Object to form. Vague.</p> <p>3 MR. LAPINSKI: Strike that question.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. Other than -- other than the journal</p> <p>6 articles that you just testified that you had</p> <p>7 reviewed, do you have a specific recollection of</p> <p>8 reviewing any other journal articles in preparation</p> <p>9 of this report?</p> <p>10 MR. BALZANO: Object to form, vague.</p> <p>11 I'm sorry. Go ahead.</p> <p>12 THE WITNESS: Not specifically.</p> <p>13 (Boyd Exhibit 8 was received and marked</p> <p>14 for identification, as of this date.)</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. Dr. Boyd, you've had put in front of you a</p> <p>17 document that's been marked as Plaintiffs'</p> <p>18 Exhibit 8.</p> <p>19 A. (Witness reviews document.)</p> <p>20 Q. And have you seen this document before?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Is this a document that you</p> <p>23 prepared?</p> <p>24 MR. BALZANO: Object to form.</p> <p>25 THE WITNESS: Did I type and print the</p>	<p style="text-align: right;">Page 61</p> <p>1 substance of all things that you've considered for</p> <p>2 purposes of rendering your opinion?</p> <p>3 A. For the purposes of rendering my opinion,</p> <p>4 I would say that's a correct statement, yes.</p> <p>5 Q. If we could take a look at your</p> <p>6 supplemental report, Doctor. I'm going to go to</p> <p>7 page 2 of the report, please.</p> <p>8 A. (Witness complies.)</p> <p>9 Q. Page 2, Section 2 of the report is</p> <p>10 entitled "Scope of Report," correct?</p> <p>11 A. Correct.</p> <p>12 Q. And the scope of your supplemental report</p> <p>13 includes a review of the two Saed posters; is that</p> <p>14 correct?</p> <p>15 A. Among other things, yes, that's correct.</p> <p>16 Q. It includes a study, the study that was</p> <p>17 associated with those two posters that was published</p> <p>18 if Minerva?</p> <p>19 A. Yes.</p> <p>20 Q. It includes your opinions on the Mandarino</p> <p>21 article, correct?</p> <p>22 A. Yes.</p> <p>23 Q. It includes your opinions on the Emi</p> <p>24 article, correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. And it includes your opinions on the</p> <p>2 opinion of Dr. Shawn Levy, correct?</p> <p>3 A. It includes the opinion of Dr. Levy's</p> <p>4 expert report, correct.</p> <p>5 Q. It includes your opinion on Dr. Levy's --</p> <p>6 A. My opinion of Dr. Levy's -- the content of</p> <p>7 Dr. Levy's expert report, yes.</p> <p>8 Q. And does the scope of the opinions that</p> <p>9 you're going to provide related to the supplemental</p> <p>10 report go beyond what you've stated here on page 2?</p> <p>11 MR. BALZANO: Objection, form.</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. All right, sir. At the bottom of page 2,</p> <p>15 Dr. Boyd, there's a footnote 1. And for purposes of</p> <p>16 context, section 3 of your report is -- the title of</p> <p>17 it is:</p> <p>18 "Plaintiffs' experts have not shown that</p> <p>19 their proposed mechanisms for ovarian carcinogenesis</p> <p>20 are plausible."</p> <p>21 Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And the first sentence says.</p> <p>24 "Plaintiffs' experts proposed that talc</p> <p>25 cause inflammation, which leads to cancer, or that</p>	<p style="text-align: right;">Page 64</p> <p>1 reviewed the third amended expert report of Judith</p> <p>2 Wolf?</p> <p>3 A. No.</p> <p>4 Q. Have you reviewed the third amended expert</p> <p>5 report of Laura Plunkett?</p> <p>6 A. No.</p> <p>7 Q. Have you reviewed the amended expert</p> <p>8 report of Michelle Cote?</p> <p>9 A. No.</p> <p>10 Q. Have you reviewed the third amended expert</p> <p>11 report of Rebecca Smith-Bindman?</p> <p>12 A. No.</p> <p>13 Q. Have you reviewed the amended expert</p> <p>14 report of Shawn Levy -- strike that.</p> <p>15 Have you reviewed the second amended</p> <p>16 expert report of Shawn Levy?</p> <p>17 A. No.</p> <p>18 Q. Turn to page 3 of your report, Doctor.</p> <p>19 A. (Witness complies.)</p> <p>20 Q. The first full paragraph of page 3 starts</p> <p>21 off:</p> <p>22 "Dr. Saed is an associate professor at</p> <p>23 Wayne State University."</p> <p>24 Do you see where I am?</p> <p>25 A. I do.</p>
<p style="text-align: right;">Page 63</p> <p>1 inflammation causes oxidative stress, which damages</p> <p>2 DNA, which results in cancer."</p> <p>3 Did I read that correctly?</p> <p>4 A. You did.</p> <p>5 Q. And footnote 1 refers to expert reports of</p> <p>6 multiple of plaintiffs' experts, including, among</p> <p>7 others, Anne McTiernan, Judith Wolf, Laura Plunkett,</p> <p>8 Michelle Cote, Rebecca Smith-Bindman and Shawn Levy.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. The question is, since that time have you</p> <p>12 been provided with the updated or amended expert</p> <p>13 reports from those individual experts?</p> <p>14 A. Since which time?</p> <p>15 Q. Well, your footnote says that you</p> <p>16 reviewed, for example, Anne McTiernan's November 15,</p> <p>17 2023, second amended report.</p> <p>18 Do you see that on the first line?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Have you reviewed Anne McTiernan's</p> <p>21 third amended expert report?</p> <p>22 A. Since May 24th?</p> <p>23 Q. At any time?</p> <p>24 A. No, not that I recall.</p> <p>25 Q. As it relates to Judith Wolf, have you</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. And in that paragraph, the last sentence</p> <p>2 of that paragraph says:</p> <p>3 "Dr. Saed's efforts at academic</p> <p>4 publication yielded only modest success. Ultimately</p> <p>5 he and his co-authors were able to publish two</p> <p>6 articles in lower-tiered journals after the</p> <p>7 manuscripts were rejected by highly critical</p> <p>8 reviewers at higher impact journals."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me what you mean by a</p> <p>12 lower-tiered journal?</p> <p>13 A. A lower tier than the journals to which</p> <p>14 you originally submitted the paper.</p> <p>15 Q. And what -- upon what are you basing a</p> <p>16 tier ranking to say that one journal is a</p> <p>17 higher-tiered journal than another?</p> <p>18 A. Scientists typically use a metric known as</p> <p>19 citation index. It's rather subjective, but,</p> <p>20 accordingly -- and we've -- I've presented some</p> <p>21 objective evidence for the most recent paper in</p> <p>22 Minerva.</p> <p>23 Q. Can you describe for me what you mean by</p> <p>24 the citation index? What is the citation index?</p> <p>25 A. How often papers are cited and by which</p>

<p style="text-align: right;">Page 66</p> <p>1 journals those citations are contained in. It's a 2 measure of the strength of the original paper in 3 terms of its citation index, or an offered citation 4 index. 5 Q. So the strength of an individual paper is 6 determined by the number of times that it may be 7 cited by other papers in other journals, correct? 8 MR. BALZANO: Object to form. 9 THE WITNESS: That's one factor, but as I 10 also indicated in this paragraph -- 11 BY MR. LAPINSKI: 12 Q. And I'm going to stop you for a second 13 because I think we're going -- I think we're going 14 in two different directions. I'm not looking 15 specifically at the Saed article. 16 Your statement was that it was a 17 lower-tiered journal. And as compared to an 18 individual -- as compared to an individual article, 19 having a high or low citation index, I'm trying to 20 understand the basis for determining whether a 21 journal is a higher-tier or a lower-tier journal. 22 A. I can think of no other objective 23 criteria. 24 Q. Other than the citation index? 25 A. Or impact index, yeah.</p>	<p style="text-align: right;">Page 68</p> <p>1 related to gynecologic cancers as opposed to, for 2 example, reproductive sciences. 3 This litigation isn't about reproductive 4 science. It's about ovarian cancer. 5 Q. So when you're -- with your statement of a 6 lower-tiered journal, you're referring to a 7 lower-tiered journal as compared to other journals 8 related to gynecologic oncology? 9 A. Yes. And I would also point out that the 10 sentence continues with respect to how the critical 11 reviews and the journals to whether which the papers 12 were first submitted by the peer reviewers of those 13 journals. 14 Q. Well, I think at the outset -- I read the 15 entire sentence at the outset. I'm not trying to 16 cut anything off. I'm just trying to get an 17 understanding as to the basis of your statement as 18 it relates to lower-tiered journals. I just want to 19 make sure that we're on the same page. 20 Your statement that he was able to publish 21 two articles in lower-tiered journals is based upon 22 the impact factor of that journal, as compared to 23 other gynecologic oncology journals, correct? 24 A. That's fair. 25 Q. The articles that were published by</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Okay. Now, are the citation index -- and 2 I may not be getting these terms right. Are the 3 citation index and the impact index the same thing? 4 A. Citation index typically refers to an 5 individual's output. Impact factor typically refers 6 to a specific journal. 7 Q. Okay. So that's what I was trying to get. 8 Impact factor refers to the journal. 9 So in your statement that Dr. Saed and his 10 co-authors were able to publish two articles in 11 lower-tiered journals, you're basing that on the 12 impact factor of the journal it was published as 13 compared to other journals? 14 MR. BALZANO: Object to form. 15 THE WITNESS: In the field of gynecologic 16 oncology, yes. 17 BY MR. LAPINSKI: 18 Q. You say in the field of gynecologic 19 oncology. Is that because there are different 20 factors that are used outside of the field of 21 gynecologic oncology to scale the strength of a 22 journal? 23 A. No. The fact of the matter is that if one 24 is publishing on ovarian cancer, one would expect 25 the authors to attempt to publish in a journal</p>	<p style="text-align: right;">Page 69</p> <p>1 Dr. Saed, they were peer reviewed, correct? 2 A. They were indeed. 3 Q. And to the extent that a peer-reviewed 4 article is published in, to use your term, a 5 lower-tiered journal, that's something that the 6 reader of that article can take into consideration, 7 right? 8 MR. BALZANO: Object to form. 9 THE WITNESS: Possibly. 10 BY MR. LAPINSKI: 11 Q. Do you weigh the strength of a journal 12 when you're considering how much weight to give the 13 findings of a particular article? 14 MR. BALZANO: Object to form. 15 THE WITNESS: Yes, generally. Although 16 not always. 17 BY MR. LAPINSKI: 18 Q. And just like you do, other individuals 19 can weigh the strength of the journal when 20 considering how much weight to give to the findings, 21 correct? 22 MR. BALZANO: Object to form. 23 THE WITNESS: Yeah. My answer would be 24 the same. Generally, but not always. 25</p>

<p style="text-align: right;">Page 70</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. You mentioned the fact Dr. Saed's second</p> <p>3 article, which is his article on malignant</p> <p>4 transformation, underwent peer review, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Would you agree that peer reviewers are</p> <p>7 typically experts in the field of manuscript that's</p> <p>8 been submitted to the journal for review?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 THE WITNESS: Yes, generally speaking.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. And expert peer review is a necessary part</p> <p>13 of the process of publishing medical journals?</p> <p>14 MR. BALZANO: Object to form.</p> <p>15 THE WITNESS: It's a requirement, yes, of</p> <p>16 course.</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. Is it an accepted part of the process of</p> <p>19 publishing medical journals?</p> <p>20 MS. DAVIDSON: Objection, asked and</p> <p>21 answered.</p> <p>22 MR. BALZANO: Objection, asked and</p> <p>23 answered.</p> <p>24 MR. LAPINSKI: Actually it was a different</p> <p>25 question. If you want to have it read back, it</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Many times.</p> <p>2 Q. You've served on editorial boards in the</p> <p>3 past?</p> <p>4 A. Many times.</p> <p>5 Q. And it would be your expectation that if</p> <p>6 an expert peer reviewer had issues with the design</p> <p>7 of a study, the peer reviewer would raise that issue</p> <p>8 as part of his or her review?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 THE WITNESS: Yes, but not always.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. Going back to your report, Dr. Boyd, on</p> <p>13 page 3 of your report, looking at the paragraph that</p> <p>14 starts off, "The first paper," that's the paragraph</p> <p>15 that I'm focusing on, okay?</p> <p>16 At the bottom of that paragraph, the</p> <p>17 second-to-last sentence says:</p> <p>18 "Because many of plaintiffs' experts</p> <p>19 continue to rely heavily on Dr. Saed's work, I</p> <p>20 discuss it at length."</p> <p>21 Do you see where I'm reading?</p> <p>22 A. Yes.</p> <p>23 Q. Upon what is your statement based that</p> <p>24 other plaintiffs' experts are relying heavily on</p> <p>25 Dr. Saed's work?</p>
<p style="text-align: right;">Page 71</p> <p>1 was a different question.</p> <p>2 THE WITNESS: Yeah. If you could ask the</p> <p>3 question again.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. Sure.</p> <p>6 The peer review process, that's an</p> <p>7 accepted part of a process of publishing medical</p> <p>8 journals?</p> <p>9 A. Medical or scientific. Yes, peer review</p> <p>10 is essential to the process of publishing anything</p> <p>11 in -- about medical literature.</p> <p>12 Q. Part of the reason that it's essential to</p> <p>13 the process is it helps to ensure the integrity of</p> <p>14 the work, right?</p> <p>15 MR. BALZANO: Object to form.</p> <p>16 THE WITNESS: Yes, I would agree to that.</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. And after Dr. Saed's manuscript was peer</p> <p>19 reviewed by an expert in the field, the publishers</p> <p>20 at Minerva made the decision to publish it, correct?</p> <p>21 MR. BALZANO: Object to form, vague.</p> <p>22 THE WITNESS: I assume so.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. You've served as a peer reviewer in the</p> <p>25 past?</p>	<p style="text-align: right;">Page 73</p> <p>1 A. In the past I've looked at plaintiffs'</p> <p>2 expert reports.</p> <p>3 Q. And your review of plaintiffs' expert</p> <p>4 reports leaves you with the opinion that plaintiffs'</p> <p>5 experts are relying heavily on the work of Dr. Saed?</p> <p>6 A. Yes. Dr. Saed has published, managed to</p> <p>7 publish most of the work in the field of cell</p> <p>8 studies on talc and ovarian cancer and so there's</p> <p>9 nothing else to rely on except his work, and perhaps</p> <p>10 a couple of other papers that we'll get to, I'm</p> <p>11 sure.</p> <p>12 Q. Would you agree that plaintiffs' experts</p> <p>13 cite to articles exclusive of the work done by</p> <p>14 Dr. Saed?</p> <p>15 MR. BALZANO: Object to form.</p> <p>16 THE WITNESS: I'm sorry. Can you repeat</p> <p>17 that?</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. Sure.</p> <p>20 Would you agree this plaintiffs'</p> <p>21 experts -- I'll reword the question.</p> <p>22 Would agree that plaintiffs' experts cite</p> <p>23 to articles other than the articles published by</p> <p>24 Dr. Saed?</p> <p>25 A. I'm sure they do.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. Would you agree that plaintiffs' experts 2 cite to articles on oxidative stress? 3 MR. BALZANO: Object to form. 4 THE WITNESS: Perhaps. 5 BY MR. LAPINSKI: 6 Q. Would you agree that plaintiffs' experts 7 cite to other articles -- strike that. 8 Would you agree that plaintiffs' experts 9 cite to articles other than Dr. Saed's work dealing 10 with talc and inflammation? 11 MR. BALZANO: I'm going to object to form 12 and just vague. 13 And if you have a specific report or 14 studies in which he's -- or other plaintiff 15 experts are in, I would ask you to show the 16 witness. 17 THE WITNESS: With respect to specific 18 cell studies, Saed and a couple of others. We 19 can talk about review articles and about 20 opining about hypotheses and conjecturing and 21 putting together hypothetical models, but in 22 terms of specific papers, we're talking about 23 Saed's work and possibly Mandarino and Emi. 24 BY MR. LAPINSKI: 25 Q. And your opinion is that, other than Saed,</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. LAPINSKI: I'm asking if he has a 2 recollection. 3 THE WITNESS: I recall that plaintiffs' 4 experts typically attempt to build a 5 hypothetical model involving oxidative stress, 6 inflammation, carcinogenesis and so forth, but 7 that's irrelevant to the actual cell studies 8 that exist in the literature. 9 BY MR. LAPINSKI: 10 Q. Now, to my question. Do you have a 11 recollection, based upon your review of the 12 plaintiffs' expert reports, plaintiffs' experts 13 referring to articles related to oxidative stress? 14 MR. BALZANO: Object to form. 15 THE WITNESS: It seems like the same 16 question I've answered, but, yes, plaintiffs 17 typically refer to papers, often review 18 articles, attempting to put together 19 hypothetical models involving oxidative stress 20 and inflammation and its involvement in ovarian 21 cancer. 22 BY MR. LAPINSKI: 23 Q. So would you agree then that plaintiffs' 24 experts have also referred to articles and reviews 25 related to talc and inflammation?</p>
<p style="text-align: right;">Page 75</p> <p>1 Mandarino and Emi, there are no published studies 2 related to cell studies and talcum powder, correct? 3 MR. BALZANO: Object to form. Vague. 4 THE WITNESS: No, I wouldn't agree with 5 that. I wouldn't say that with respect to cell 6 studies suggesting a mechanism, a hypothetical 7 mechanism through which talc induces ovarian 8 cancer in women through the perineal use of 9 talcum powder. Those are the cell studies that 10 I'm familiar with. 11 BY MR. LAPINSKI: 12 Q. And you've stated in your report -- we've 13 discussed that you say: 14 "The plaintiffs' experts continue to rely 15 heavily on Dr. Saed's work," and that's based upon 16 your review of their expert reports, correct? 17 A. Still is, yes. 18 Q. Okay. And in your review of those expert 19 reports, did you also see that experts referred to 20 studies related to oxidative stress? 21 MR. BALZANO: Object to form. 22 And again I would request if you have 23 specific -- if you're referring to specific 24 expert reports and specific citations, you 25 should show him.</p>	<p style="text-align: right;">Page 77</p> <p>1 MR. BALZANO: Object to form. 2 THE WITNESS: Plaintiffs' experts often 3 refer to that type of literature, yes. 4 BY MR. LAPINSKI: 5 Q. Okay. And for the literature related to 6 oxidative stress in response to talc? 7 MR. BALZANO: Object to form. 8 THE WITNESS: It's a very general question 9 but, yes, these are typically hypothetical, 10 hypothesis-generated review articles, yes. 11 BY MR. LAPINSKI: 12 Q. Okay. And how about articles related to 13 inflammation associated with the increased risk of 14 cancer, plaintiffs' expert cited to articles on that 15 topic? 16 MR. BALZANO: Object to form. 17 THE WITNESS: Generally speaking, yes. 18 BY MR. LAPINSKI: 19 Q. Same with articles on talc and various 20 cancer biomarkers, plaintiffs' experts cited to 21 those types of articles? 22 MR. BALZANO: Object to form. 23 THE WITNESS: I'm only familiar with the 24 Saed article in that context, but yes, they 25 continually refer to or cite to Saed and</p>

<p style="text-align: right;">Page 78</p> <p>1 coworkers.</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. In forming an opinion as a medical</p> <p>4 professional, do you think it's important to</p> <p>5 consider as much relevant information as possible?</p> <p>6 MR. BALZANO: Object to form.</p> <p>7 THE WITNESS: Generally speaking, yes.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. Would it be inappropriate to cherry-pick</p> <p>10 studies that --</p> <p>11 Would it be inappropriate to cherry-pick</p> <p>12 certain studies that support your opinion while not</p> <p>13 considering others that might not have been</p> <p>14 supportive?</p> <p>15 MR. BALZANO: Object to form.</p> <p>16 MS. DAVIDSON: Would you repeat that</p> <p>17 question?</p> <p>18 MR. LAPINSKI: Sure.</p> <p>19 MS. DAVIDSON: Or she can repeat it.</p> <p>20 MR. LAPINSKI: That's all right. I can</p> <p>21 just --</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. Would it be inappropriate to cherry-pick</p> <p>24 certain studies that support your opinion while not</p> <p>25 considering other studies that might not be</p>	<p style="text-align: right;">Page 80</p> <p>1 A. It was published as an abstract in the</p> <p>2 Journal of Gynecological Oncology as part of the</p> <p>3 meeting proceedings of that year's SGO annual</p> <p>4 meeting, yes.</p> <p>5 Q. Okay.</p> <p>6 A. More or less.</p> <p>7 Q. And that poster, which is referred to as</p> <p>8 number 1 on page 4 of your report, was based upon</p> <p>9 Dr. Saed's work on malignant transformation,</p> <p>10 correct?</p> <p>11 A. His purported work on malignant</p> <p>12 transformation, yeah.</p> <p>13 Q. Yes. I'm not trying to create a situation</p> <p>14 where you're acknowledging that you agree with or</p> <p>15 don't agree with the work. I just want to make sure</p> <p>16 we're talking about the same thing.</p> <p>17 A. Understood.</p> <p>18 Q. Okay. A purpose of a poster like the one</p> <p>19 that was presented by Dr. Saed is to provide</p> <p>20 snapshot of the work that's being done in a</p> <p>21 particular field, right?</p> <p>22 MR. BALZANO: Object to form.</p> <p>23 THE WITNESS: No, not correct. I would</p> <p>24 say its purpose is to provide a snapshot of the</p> <p>25 work that's being done in his laboratory.</p>
<p style="text-align: right;">Page 79</p> <p>1 supportive?</p> <p>2 MR. BALZANO: Object to form.</p> <p>3 THE WITNESS: I think the relevant</p> <p>4 literature should be considered in any case.</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Moving to page 4. Moving to page 4 of</p> <p>7 your report.</p> <p>8 A. (Witness complies.)</p> <p>9 MS. DAVIDSON: Do you need a break?</p> <p>10 MR. LAPINSKI: Yeah.</p> <p>11 MS. DAVIDSON: We can take a break. Do</p> <p>12 you want to go off the record?</p> <p>13 MR. LAPINSKI: Yeah. Let's go off the</p> <p>14 record.</p> <p>15 (At 11:27 a.m. a recess was taken.)</p> <p>16 (At 11:40 a.m. the deposition resumes.)</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. Dr. Saed -- Dr. Boyd, I want to refer you</p> <p>19 back to Exhibit 7, which is your May 24, 2024 expert</p> <p>20 report, and I want to turn to page 4, please.</p> <p>21 A. (Witness complies.)</p> <p>22 Q. And at top of page 4 or towards the top of</p> <p>23 page 4, you provide opinions as it relates to the</p> <p>24 2020 abstract/poster that was published in SGO,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 81</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. Okay. Is the poster intended to represent</p> <p>3 all of the information that may end up in a</p> <p>4 published manuscript?</p> <p>5 MR. BALZANO: Object to form.</p> <p>6 THE WITNESS: That's a very general</p> <p>7 question, but typically the idea is to present</p> <p>8 in poster first and then go to manuscript, and</p> <p>9 so there may occasionally be additional data</p> <p>10 that are included in a manuscript that aren't</p> <p>11 included in a poster, but the poster should be</p> <p>12 material in that context.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. And posters like the one that Dr. Saed</p> <p>15 submitted are reviewed by a committee to determine</p> <p>16 whether or not the posters would be being presented</p> <p>17 at the meeting?</p> <p>18 MR. BALZANO: Object to form.</p> <p>19 THE WITNESS: At the SGO, they are.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. And Dr. Saed's poster was reviewed by a</p> <p>22 committee of SGO members that determined it was</p> <p>23 worthy of being presented, correct?</p> <p>24 MR. BALZANO: Object to form.</p> <p>25 THE WITNESS: Ultimately, yes.</p>

<p style="text-align: right;">Page 82</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. And you served as a member of the board of</p> <p>3 directors of SGO for a while; is that correct?</p> <p>4 A. I served a three-year term; that's</p> <p>5 correct.</p> <p>6 Q. And that term was from 2017 to 2020?</p> <p>7 A. I'm sure my CV is correct, yes, if that's</p> <p>8 what it says.</p> <p>9 Q. Were you a member of the board of SGO when</p> <p>10 Dr. Saed's poster was accepted for presentation at</p> <p>11 the annual meeting?</p> <p>12 A. I would have been, yes, because the annual</p> <p>13 meeting was to have taken place during COVID and the</p> <p>14 meeting was canceled. Yeah, so --</p> <p>15 Q. As a member of the board of SGO, did you</p> <p>16 raise issue with Dr. Saed's poster on malignant</p> <p>17 transformation at the time it was accepted?</p> <p>18 MR. BALZANO: Object to form.</p> <p>19 THE WITNESS: The board of directors is</p> <p>20 not involved in the peer review of abstracts</p> <p>21 submitted for presentation at the SGO annual</p> <p>22 meeting.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. So you did not raise any issue with it?</p> <p>25 MS. DAVIDSON: Objection, asked and</p>	<p style="text-align: right;">Page 84</p> <p>1 Did I read that correctly?</p> <p>2 A. Yes, having left out the 88 percent, you</p> <p>3 are correct.</p> <p>4 Q. Okay. So 88 percent of them were accepted</p> <p>5 for presentation, correct?</p> <p>6 A. Correct.</p> <p>7 Q. So there was 12 percent of posters that</p> <p>8 were submitted that were rejected?</p> <p>9 A. 12 percent of abstracts, yes.</p> <p>10 Q. And Dr. Saed's abstract could have been</p> <p>11 rejected?</p> <p>12 MR. BALZANO: Object to form.</p> <p>13 THE WITNESS: It's possible.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. But it wasn't, correct?</p> <p>16 A. Clearly not.</p> <p>17 Q. In the next -- in the next paragraph on</p> <p>18 page 5, the last sentence, you reference -- you</p> <p>19 state:</p> <p>20 "It is virtually certain that Gynecologic</p> <p>21 oncology would have rejected a manuscript solely</p> <p>22 addressing Dr. Saed's 2020 study as well."</p> <p>23 Do you see that?</p> <p>24 A. No, actually.</p> <p>25 Q. Okay. Second -- the first full paragraph</p>
<p style="text-align: right;">Page 83</p> <p>1 answered. Oh, sorry.</p> <p>2 MR. BALZANO: Objection, asked and</p> <p>3 answered.</p> <p>4 MS. DAVIDSON: Being quiet is really</p> <p>5 challenging guys. I do not have that skill.</p> <p>6 THE WITNESS: It was impossible to raise</p> <p>7 any objection because I wasn't privy to the</p> <p>8 abstracts that the review committee had access</p> <p>9 to.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. Have you, at any time, gone back to SGO to</p> <p>12 raise issue with Dr. Saed's poster having been</p> <p>13 accepted for presentation?</p> <p>14 A. No.</p> <p>15 Q. At the top of page 5 of your report, you</p> <p>16 discuss the review of posters and you note that --</p> <p>17 well, let's start at the bottom of the page 4.</p> <p>18 The last sentence -- the last sentence at</p> <p>19 the bottom of the page 4 says:</p> <p>20 "Illustrating the difference between</p> <p>21 acceptance as a publisher for a convention and</p> <p>22 traditional peer review for publication, 842</p> <p>23 abstracts were submitted to SGO for its 2020 annual</p> <p>24 meeting, and 743 of those were accepted for</p> <p>25 presentation."</p>	<p style="text-align: right;">Page 85</p> <p>1 on page 5. Starts off "Difference between poster</p> <p>2 review and peer review."</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So as we go through that paragraph,</p> <p>5 you note towards the middle of the paragraph:</p> <p>6 "Most notably, Gynecologic Oncology itself</p> <p>7 rejected a manuscript Dr. Saed submitted in 2021."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Have you ever been a peer reviewer for</p> <p>11 Gynecologic Oncology?</p> <p>12 A. More times that I can count, yes.</p> <p>13 Q. Did you review -- were you one of the</p> <p>14 reviewers who reviewed Dr. Saed's submission to</p> <p>15 Gynecologic Oncology?</p> <p>16 A. No.</p> <p>17 Q. Did you have any communication with the</p> <p>18 reviewer who reviewed Dr. Saed's submission to</p> <p>19 Gynecologic Oncology at the time they were doing the</p> <p>20 review?</p> <p>21 A. No.</p> <p>22 I might add that the reviewers are</p> <p>23 confidential.</p> <p>24 Q. Have you ever been a peer reviewer for</p> <p>25 PlusOne?</p>

<p style="text-align: right;">Page 86</p> <p>1 A. It's possible. I've been a peer reviewer 2 for so many journals. They're all listed on my CV. 3 If PlusOne is on there, then the answer is yes. 4 Otherwise it's no. 5 Q. Did you review Dr. Saed's 2021 manuscript 6 on behalf of PlusOne? 7 A. No. 8 Q. Did you provide comments to PlusOne or 9 anyone affiliated with PlusOne in regard to 10 Dr. Saed's manuscript in 2021? 11 A. No. 12 Q. If you go down to the bottom of page 5, in 13 the "Objective" section. Again, this still relates 14 to -- this still relates to the SGO poster from 15 2020. 16 In the "Objective" section you note that 17 there's -- it says: 18 "This section incorrectly states that 19 'exposure to talcum powder was shown (in Fletcher et 20 al. in 2019) to induce specific point mutations in 21 key redox enzymes that altered their activities in 22 both normal and epithelial ovarian cancer cells." 23 Did I read that correctly? 24 A. You did. 25 Q. "But the Fletcher/Saed 2019 study did not,</p>	<p style="text-align: right;">Page 88</p> <p>1 about the dose of talcum powder that was used. 2 Is that fair statement? 3 MR. BALZANO: Object to form. 4 THE WITNESS: Yes. 5 BY MR. LAPINSKI: 6 Q. And you're critical of the dose of talcum 7 powder that Dr. Saed used during his experiments, 8 right? 9 A. Yes. 10 Q. And you cite to peer reviewer comments 11 from Gynecologic Oncology, correct? 12 A. Where are we reading? 13 Q. In that first paragraph as it relates to 14 your criticisms on dose, the dose of talc Dr. Saed 15 used. 16 In the footnotes, for example, footnote 17 16 -- let's take a step back. 18 MR. BALZANO: Counsel, because the 19 footnote 16 is for the second paragraph -- 20 BY MR. LAPINSKI: 21 Q. And so the second paragraph starts off: 22 "Dr. Saed's peer reviewers raised similar 23 concerns regarding Dr. Saed's methodology as 24 described in his 2020 manuscript, questioning why 25 the recorded doses were chosen and their relevance</p>
<p style="text-align: right;">Page 87</p> <p>1 by any means, demonstrate that cell mutations were 2 induced by talcum powder." 3 Did I read that correctly? 4 A. You did. 5 Q. Is there a difference between a point 6 mutation and a cell mutation? 7 A. I'm not familiar with the term "cell 8 mutation." 9 Q. Well, that's -- you in your -- you in your 10 report have said: 11 "But the Fletcher/Saed 2019 study did not, 12 by any means, demonstrate that cell mutations were 13 induced by talcum powder." 14 A. So -- 15 Q. Let me ask my question and then you can... 16 In your sentence, what did you mean by 17 "cell mutation"? 18 A. Any type of genetic mutation. 19 Q. And is a point mutation a type of genetic 20 mutation? 21 A. It's one of several types of genetic 22 mutations, yes. 23 Q. Going to page 6 of your report, you 24 discuss methods -- in the first paragraph of 25 "Methods," in your methods, you have statements</p>	<p style="text-align: right;">Page 89</p> <p>1 to human exposure." 2 You see where I just read? 3 A. Yes. 4 Q. And then footnote 16 refers to several 5 Dr. Saed documents. 6 Do you see that? 7 A. Yes. 8 Q. Okay. I'll represent to you that those 9 two Dr. Saed -- the two references there are 10 references to critiques from PlusOne peer reviewers 11 and critiques from Reproductive Science peer 12 reviewers. 13 Do you recall reading those critiques? 14 A. Yes, I do. 15 Q. Okay. When was it that you first read 16 those critiques of Dr. Saed's work? 17 A. I don't recall. 18 Q. Did you read the critiques of Dr. Saed's 19 work on -- related to the dose of talcum powder 20 before or after you formulated your opinion on his 21 work? 22 A. After. 23 Q. When was it that you first read Dr. Saed's 24 manuscript on malignant transformation? 25 A. This particular manuscript?</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. The 2020 -- the 2020 poster or the 2020 2 abstract that we're talking about right now. 3 A. Again, hard to say. I would suspect I 4 read it as soon as it published in Gynecologic 5 Oncology as an abstract presented at the annual 6 meeting. 7 Q. Okay. And do you have a specific 8 recollection of having read it when it was first 9 published? 10 A. The abstract or the paper? 11 Q. The just dealing with the 2020 SGO 12 abstract. 13 A. I have a recollection of reading it. I 14 don't have a recollection of when that was. 15 Q. Do you have a specific recollection as to 16 whether it was before or after you first saw the 17 critiques of the peer reviewers? 18 MR. BALZANO: Object to form, asked and 19 answered. 20 THE WITNESS: Well, it would have had to 21 have been before I saw the comments of the peer 22 reviewers because the poster in a temporal 23 context occurred -- the poster and the abstract 24 and its publication occurred before preparation 25 of the manuscript and submission for</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. And you testified earlier that you weren't 2 aware of the fact that Dr. Saed had submitted an 3 abstract to SGO for publication at the time that he 4 did it, correct? 5 MR. BALZANO: Object to form. 6 Mischaracterizes the testimony. 7 THE WITNESS: I'm sorry. I couldn't 8 follow the question. 9 BY MR. LAPINSKI: 10 Q. Yeah. You testified previously that at 11 the time Dr. Saed submitted his abstract to SGO for 12 consideration, you weren't aware of the fact that he 13 had a submitted the abstract, correct? 14 MR. BALZANO: Object to form. 15 THE WITNESS: There is no way I could have 16 been because I'm not involved in the peer 17 review of the abstracts submitted for 18 presentation at the SGO annual meeting. 19 BY MR. LAPINSKI: 20 Q. So then when is it that you first became 21 aware of the fact there was a Saed abstract that 22 would be of interest to you for review? 23 A. Again, working from memory, it was when I 24 read the abstract in the proceedings of the annual 25 meeting in the Journal of Gynecological Oncology.</p>
<p style="text-align: right;">Page 91</p> <p>1 publication. So I would not have seen comments 2 of peer reviewers until after I had read the 3 abstract leading up to the manuscript that was 4 subject to peer review. 5 BY MR. LAPINSKI: 6 Q. Well, that's with the assumption that, in 7 some context, you did see the poster or the SGO 8 abstract, correct? 9 MR. BALZANO: Object to form. 10 THE WITNESS: I saw the abstract in its 11 published form, yes. 12 BY MR. LAPINSKI: 13 Q. Okay. And do you recall when you saw the 14 abstract in its published form? 15 A. No, I do not. 16 Q. Do you have an approximate time of when 17 you saw the abstract in its published form? 18 A. It would have been at some point not long 19 after the annual meeting took place when the 20 abstracts are published in aggregate. 21 Q. And at the time that the abstracts are 22 published in aggregate, do you review all of the 23 abstracts that are published? 24 A. No. I tend to look at the abstracts that 25 are presented in preliminary presentations.</p>	<p style="text-align: right;">Page 93</p> <p>1 Q. When you formulated your opinion that 2 Dr. Saed used an improper dose of talcum powder for 3 purposes of the work that he did, upon what did you 4 base that determination? 5 A. My understanding of his scientific 6 methodology, based on review of laboratory notebooks 7 and previous work where he actually worked backwards 8 from a dose that was literally toxic to cells to a 9 dose that was not toxic to cells and then went with 10 that extremely high dose, as opposed to accepted 11 scientific methodology where one typically starts 12 with very a low dose and works up to a dose where a 13 biological effect is observed, which is a more 14 traditional approach in terms of scientific 15 methodology. 16 Q. So just so that I'm clear, I'm not trying 17 to put words in your mouth, your opinion about an 18 improper dose related to Dr. Saed's malignant 19 transformation work is based upon your review of his 20 lab notebooks for the 2019 work that he did? 21 A. That's one thing. 22 Q. Okay. What, if any, were other factors? 23 A. It's an extraordinarily high dose. It's 24 an amount that you can presumably see in your hand, 25 which when applied to cells in a Petri dish, I would</p>

<p style="text-align: right;">Page 94</p> <p>1 consider remarkably high by any standard.</p> <p>2 Q. Other than your review of the Saed</p> <p>3 notebooks and the dosing that he used for his 2019</p> <p>4 work and your opinion that it's an extremely high</p> <p>5 dose, did you rely upon anything else for a</p> <p>6 determination that it was an improper dose?</p> <p>7 A. In terms of my own personal opinion, no.</p> <p>8 I did note that peer reviewers also had</p> <p>9 the same opinion.</p> <p>10 Q. As it relates to the dosing from his lab</p> <p>11 notebooks in 2019, were you aware that the dosing</p> <p>12 used in the 2019 studies have also been used in</p> <p>13 other talc-related studies?</p> <p>14 MR. BALZANO: Object to form.</p> <p>15 THE WITNESS: I can't answer that without</p> <p>16 knowing which studies you're referring to and</p> <p>17 looking at the doses and looking at the papers.</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. You've referenced in your work the work</p> <p>20 done by Dr. Mossman, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Are you aware that Dr. Mossman testified</p> <p>23 that the dosing that was used by Dr. Saed in his</p> <p>24 2019 work was acceptable dosing?</p> <p>25 MR. BALZANO: Object to form.</p>	<p style="text-align: right;">Page 96</p> <p>1 able to read.</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. If there were studies that used dosing of</p> <p>4 talc that's similar to what Dr. Saed used in his</p> <p>5 2019 study, would that be relevant to the formation</p> <p>6 of your opinions?</p> <p>7 MR. BALZANO: Same objections. Vague,</p> <p>8 lacks foundation.</p> <p>9 THE WITNESS: No. My opinion is that the</p> <p>10 dose is extraordinarily high and would remain</p> <p>11 so.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. Have you ever conducted studies on talcum</p> <p>14 powder?</p> <p>15 A. No.</p> <p>16 Q. Have you ever conducted studies on talcum</p> <p>17 powder and its effect on ovarian cancer tissue?</p> <p>18 MR. BALZANO: Objection, just to purposes</p> <p>19 of scope. You know, should be since 2019.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Okay. Since 2019, have you conducted any</p> <p>22 studies on talc and its impact on ovarian cancer</p> <p>23 tissue -- strike that.</p> <p>24 Since 2019, have you conducted any studies</p> <p>25 on talc and its impact on ovarian tissue?</p>
<p style="text-align: right;">Page 95</p> <p>1 Yeah, I mean, if you could show him that</p> <p>2 prior testimony.</p> <p>3 THE WITNESS: I don't recall that --</p> <p>4 MS. DAVIDSON: Foundation.</p> <p>5 THE WITNESS: I don't recall that</p> <p>6 testimony, if that's what it is, by Dr.</p> <p>7 Mossman.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. Are you aware that the dosing that was</p> <p>10 used by Dr. Saed in his 2019 work is similar dosing</p> <p>11 that's been used in other talcum powder studies?</p> <p>12 MR. BALZANO: Object to form, vague.</p> <p>13 Lacks foundation.</p> <p>14 MS. DAVIDSON: Hold on. You</p> <p>15 interpreted -- did you get all of that?</p> <p>16 Just wait until the objection is done.</p> <p>17 THE WITNESS: If we could start over,</p> <p>18 please, with the question.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. Would you read the question back, please?</p> <p>21 (The last question was read back by the</p> <p>22 Reporter.)</p> <p>23 THE WITNESS: That question would be</p> <p>24 impossible to answer without knowing which</p> <p>25 studies you're referring to and without being</p>	<p style="text-align: right;">Page 97</p> <p>1 A. No.</p> <p>2 Q. Since 2019, have you done any type of lab</p> <p>3 research related to talcum powder?</p> <p>4 A. No.</p> <p>5 Q. Have you ever made a determination as to</p> <p>6 what an appropriate and/or inappropriate level of</p> <p>7 talc is for purposes of in vitro studies?</p> <p>8 A. Again, a very general sort of question. I</p> <p>9 would say that, as I said before in responding to</p> <p>10 another of your questions, that whenever you're</p> <p>11 exposing cells in vitro to a xenobiotic, whatever it</p> <p>12 may be, the accepted scientific methodology is to</p> <p>13 begin with the lowest dose possible, working up to</p> <p>14 the point where a biological effect is observed if</p> <p>15 you're truly interested in determining what effect</p> <p>16 that xenobiotic may have, if any, on the cells and</p> <p>17 culture, rather than starting with a toxic dose that</p> <p>18 literally kills all the cells in the Petri dish and</p> <p>19 then working backwards to a dose that doesn't seem</p> <p>20 to kill the cells.</p> <p>21 But no, I have never personally performed</p> <p>22 a study with talcum powder in that context.</p> <p>23 Q. The bottom of page 6, the last full</p> <p>24 sentence says:</p> <p>25 "I also agree with later peer reviewers</p>

<p style="text-align: right;">Page 98</p> <p>1 that Dr. Saed's decision to use ovarian surface 2 epithelial cells rather than fallopian tube cells 3 significantly marginalizes his study, given that 4 scientists now agree that most high-grade serous 5 ovarian cancers are originate in the fallopian 6 tubes." 7 Did I read that correctly? 8 A. Yes. 9 Q. Did you formulate that opinion at the same 10 time you formulated the opinion in regard to your 11 dose? 12 MR. BALZANO: Objection to the form, 13 vague. 14 THE WITNESS: I honestly can't remember 15 when I formed one opinion as opposed to another 16 opinion related to this in particular or in 17 terms of temporality, no. 18 BY MR. LAPINSKI: 19 Q. Did you form that opinion at a time after 20 you had read the criticisms from various peer 21 reviewers? 22 MR. BALZANO: Object to form. When you 23 say "that opinion," you mean the sentence? 24 MR. LAPINSKI: Yes, the sentence we're 25 talking about.</p>	<p style="text-align: right;">Page 100</p> <p>1 an editor of -- 2 A. A couple of months. 3 Q. Okay. Dr. Saed's work was presented at 4 SGO in March of 2020 in whatever form SGO had their 5 conference because of COVID, correct? 6 A. This was a virtual conference, and it was 7 presented, as we have discussed, as a virtual 8 poster. 9 MR. LAPINSKI: Can we mark this as 10 Exhibit 9, please. 11 (Boyd Exhibit 9 was received and marked 12 for identification, as of this date.) 13 BY MR. LAPINSKI: 14 Q. Dr. Boyd, we've marked as Exhibit 9, a 15 poster session from Gynecologic Oncology, and I just 16 want to confirm that this is the poster that we've 17 been discussing. 18 A. Number 297, yes. 19 Q. And again, just to kind of lay the 20 groundwork for this, this would have been presented 21 in or around March of 2020, correct? 22 A. The poster? 23 Q. Yes. 24 A. Yes. 25 Q. And then would have been published, the</p>
<p style="text-align: right;">Page 99</p> <p>1 THE WITNESS: I would respond by saying 2 that all of my opinions were formed with 3 respect to this aspect of Dr. Saed's work 4 before reading any of the expert reviews from 5 various journals he attempted to publish his 6 work in. 7 BY MR. LAPINSKI: 8 Q. Dr. Boyd, if you would, for a minute, go 9 back to Exhibit 2. 10 Dr. Saed's abstract that was published in 11 SGO was published in March of 2020, correct? 12 A. I'm still looking for Exhibit 2. I'm 13 sorry. 14 Okay. I have the exhibit. 15 Q. Okay. Last question that I just asked 16 was, Dr. Saed's abstract was published by SGO in 17 March of 2020, correct? 18 A. No, not correct. I believe that the -- if 19 memory serves, that the abstract and poster were 20 presented at the SGO annual meeting in March of 21 2020. It was not published at that time. 22 Q. Was it published after that? 23 A. By necessity, yes. 24 Q. Okay. And usually how long after that is 25 it published, based upon your experience with -- as</p>	<p style="text-align: right;">Page 101</p> <p>1 abstract would have been published within several 2 months of that March 2020 date, correct? 3 A. Yes. 4 Q. Now if we go to Exhibit 2, which are your 5 invoices that have been produced, and we look at 6 your first entry of March 23, 2021, it has review of 7 plaintiffs' expert DC- -- strike that. 8 We're looking at the second entry: 9 "March 23, 2021. Work on expert report Saed 10 abstract/poster SGO 2020." 11 Did I read that correctly? 12 MR. BALZANO: I'm sorry, Counsel. You 13 said March. It's September. 14 THE WITNESS: No. September 23. 15 BY MR. LAPINSKI: 16 Q. So let me read it again. For some reason 17 when I look at the date, I can't seem to get the 18 month right. 19 Your second entry says: 20 "September 23, 2021. Work on expert 21 report RE Saed abstract/poster presentation 22 (SGO 2020 and SRI 2021)." 23 Did I read that correctly? 24 A. Yes. 25 Q. Okay. Was there a point in time prior to</p>

<p style="text-align: right;">Page 102</p> <p>1 September 23, 2021, where you had formulated 2 opinions in regard to Dr. Saed's 2020 SGO poster? 3 MR. BALZANO: Object to form. 4 THE WITNESS: I'm sorry. Would you repeat 5 the question? 6 BY MR. LAPINSKI: 7 Q. Sure. 8 You testified earlier that you would have 9 read Dr. Saed's poster and formulated an opinion in 10 regard to an improper dose not long after it was 11 made available, I believe you said, for plaintiff 12 review; is that correct? 13 A. No. I originally formulated my opinion 14 regarding Dr. Saed and dosage in 2019 when I was 15 reviewing his lab notebooks, but the same dosage was 16 carried over to his work in 2020. 17 Q. In 2020 -- that same dosage which carried 18 over to his work in 2020 and the malignant 19 transformation work we were doing -- that he was 20 doing? 21 A. Yes. 22 Q. Okay. And to the extent that that dosage 23 carried over to 2020 and was part of the malignant 24 transformation work, when you first viewed his 25 poster, you knew that the dose was wrong, in your</p>	<p style="text-align: right;">Page 104</p> <p>1 reviewers in any way influence the opinions that you 2 had related to Dr. Saed's work? 3 MR. BALZANO: Object to form. Asked and 4 answered. 5 THE WITNESS: No, they did not influence 6 my opinions. They just reinforced my opinions. 7 BY MR. LAPINSKI: 8 Q. Okay. Do you have any opinions that 9 you've shared in your report that are separate and 10 apart from the opinions that were shared by the peer 11 reviewers? 12 A. I'm sure I do, yes. 13 Q. Okay. As we go through, I'd like you to 14 point out to me any opinions that you have that were 15 not also expressed by the peer reviewers, okay? So 16 we're going to go through that and we're going to 17 see where that is. 18 If we go to page 4 of your report. 19 A. (Witness complies.) 20 Q. The first paragraph that you have, as it 21 relates to the 2020 abstract, says: 22 "This study purports to have found that 23 talcum powder 'induces malignant transformation of 24 normal ovarian epithelial cells' which 'represents a 25 direct causation mechanism' through which perineal</p>
<p style="text-align: right;">Page 103</p> <p>1 opinion? 2 MR. BALZANO: Object to form. 3 THE WITNESS: I considered it wrong in 4 2019, and I considered it wrong in 2020 when I 5 reviewed his abstract, yes. 6 BY MR. LAPINSKI: 7 Q. Okay. But you didn't start to formulate 8 that as part of your opinion until September of 9 2021; is that correct? 10 A. No, that's incorrect. 11 Q. Is there work that you did between March 12 of 2020 and September of 2021 related to your expert 13 opinions that are not listed here? 14 A. No. 15 Q. So you didn't do any work on your expert 16 report at any time prior to September 23, 2021, 17 correct? 18 A. I'm sorry. I'm getting a little confused 19 about preparation of my expert report and developing 20 opinions. My opinions were developed long before 21 preparation of the expert report. 22 Q. Okay. And then they were put into your 23 expert report beginning in September 2021, correct? 24 A. Apparently, yes. 25 Q. Okay. Did the opinions of the peer</p>	<p style="text-align: right;">Page 105</p> <p>1 use of talcum powder causes ovarian cancer." 2 Do you see that? 3 A. I do. 4 Q. Is that what the poster says, Dr. Boyd? 5 A. It's in quotation marks. I presume it 6 does. 7 Q. Well, the part that's not in quotation 8 marks. Does the poster say that "through which 9 perineal use of talcum powder causes ovarian 10 cancer"? 11 MR. BALZANO: Object to form. If you just 12 want to look at the poster and see what was 13 exactly said by Dr. Saed, you can do that. 14 It's Exhibit 9. 15 BY MR. LAPINSKI: 16 Q. Okay. So if you would look at -- you can 17 look at Exhibit 9, Doctor. And the bottom left-hand 18 corner, "Conclusions." 19 A. (Witness complies.) 20 Q. Now, for reference, as we read the 21 conclusion, it says: 22 "Exposure to" -- and this is the quote 23 that you use -- "talcum powder induces malignant 24 transformation in normal ovarian epithelial cells." 25 You quoted that part of the conclusion,</p>

<p style="text-align: right;">Page 106</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Then the conclusion continues to</p> <p>4 say:</p> <p>5 "But not in normal peritoneal fibroblasts.</p> <p>6 This finding" -- and then you again -- "represents a</p> <p>7 direct causation mechanism," and then closed quote.</p> <p>8 That's what you put in your report, right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. But then, the conclusion in the</p> <p>11 poster goes on to say:</p> <p>12 "Of talcum powder exposure specific to</p> <p>13 normal ovarian cells and further supports previous</p> <p>14 studies of the association of genital use of talcum</p> <p>15 powder and increased risk of ovarian cancer."</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Now is there a difference in your mind</p> <p>19 between an association and a cause?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And what -- to you, what's the</p> <p>22 difference between something being associated, let's</p> <p>23 say associated with ovarian cancer as compared to</p> <p>24 causing ovarian cancer?</p> <p>25 A. Epidemiologic data are an association-type</p>	<p style="text-align: right;">Page 108</p> <p>1 normal ovarian cancer cells."</p> <p>2 We agree on that, right?</p> <p>3 A. We agree that's what the sentence says,</p> <p>4 yes.</p> <p>5 Q. And then he says:</p> <p>6 "And further supports previous studies of</p> <p>7 the association of genital use of talcum powder and</p> <p>8 increased risk of ovarian cancer," correct?</p> <p>9 A. Correct.</p> <p>10 Q. Whereas you have cited it as saying that</p> <p>11 talcum powder causes ovarian cancer, correct?</p> <p>12 MR. BALZANO: Object to form.</p> <p>13 MS. DAVIDSON: Objection.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. In your report it says:</p> <p>16 "Through which use of talcum powder causes</p> <p>17 ovarian cancer."</p> <p>18 A. Can you ask a question, please?</p> <p>19 Q. Sure.</p> <p>20 Your statement -- your statement says that</p> <p>21 Dr. Saed's study purports to have found -- and then</p> <p>22 you quote him twice -- that talcum powder induces</p> <p>23 malignant transformation of normal ovarian</p> <p>24 epithelial cells.</p> <p>25 You also quote him. It says:</p>
<p style="text-align: right;">Page 107</p> <p>1 study. A causation-type study is the type that</p> <p>2 Dr. Saed is attempting to perform as exemplified by</p> <p>3 his statement that this finding represents a direct</p> <p>4 causation mechanism. Those types of inferences</p> <p>5 cannot be made from epidemiologic studies.</p> <p>6 Association studies, for example.</p> <p>7 Q. But his conclusion also says that it</p> <p>8 supports the association of genital use of talcum</p> <p>9 powder and increased risker of ovarian cancer. It</p> <p>10 does not say the cause of ovarian cancer, does it?</p> <p>11 MR. BALZANO: Object to form.</p> <p>12 THE WITNESS: I would disagree. I would</p> <p>13 say this finding represents a direct causation</p> <p>14 mechanism.</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. But that's not what he said.</p> <p>17 A. I'm reading --</p> <p>18 MR. BALZANO: Object.</p> <p>19 THE WITNESS: -- right from the abstract.</p> <p>20 MR. BALZANO: We object to form, and</p> <p>21 document speaks for itself.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. He says:</p> <p>24 "The findings represent a direct causation</p> <p>25 mechanism of talcum powder exposure specific to</p>	<p style="text-align: right;">Page 109</p> <p>1 "Which represents a direct causal</p> <p>2 mechanism."</p> <p>3 But then as compared to directly quoting</p> <p>4 him, you say:</p> <p>5 "Through which perineal use of talcum</p> <p>6 powder causes ovarian cancer."</p> <p>7 But that's not what Dr. Saed says in his</p> <p>8 conclusion, is it?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 THE WITNESS: I would suggest that any</p> <p>11 reasonable reader would infer that when he's</p> <p>12 suggesting that this represents a direct</p> <p>13 causation mechanism and then links that</p> <p>14 sentence with association data from</p> <p>15 epidemiologic studies, that he's suggesting</p> <p>16 that he's providing a direct causation</p> <p>17 mechanism.</p> <p>18 So I stand by the sentence that we're</p> <p>19 citing in my expert report.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Dr. Boyd, on page 7 you have opinions as</p> <p>22 it relates to Dr. Saed's statements about</p> <p>23 transformation of cells after 72 hours of treatment;</p> <p>24 is that correct?</p> <p>25 A. I'll need to back to page 6 to see where</p>

<p style="text-align: right;">Page 110</p> <p>1 we are in terms of --</p> <p>2 So this would pertain to methodology,</p> <p>3 presumably. Or results. I'm not sure where you're</p> <p>4 going here.</p> <p>5 Q. Well, I'll tell you what. Let's do this.</p> <p>6 We're in the "Method" section right now.</p> <p>7 A. Okay.</p> <p>8 Q. Okay?</p> <p>9 And on page -- at the top of page 7, you</p> <p>10 start off by saying:</p> <p>11 "An additional issue with methodology for</p> <p>12 Dr. Saed's 2020 study is that he employs a</p> <p>13 commercial cell transformation assay."</p> <p>14 And in parentheses you describe that</p> <p>15 particular assay.</p> <p>16 "To achieve a result that is both beyond</p> <p>17 the capabilities of the assay and biologically</p> <p>18 implausible."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 MR. LAPINSKI: Can we mark that?</p> <p>22 (Boyd Exhibit 10 was received and marked</p> <p>23 for identification, as of this date.)</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. Dr. Boyd, you've been handed what's been</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes, of course.</p> <p>2 Q. And when is the last time that you used a</p> <p>3 commercial cell transformation assay kit?</p> <p>4 A. I've never used a commercial cell</p> <p>5 transformation assay kit. I simply produce my own</p> <p>6 reagents at the time. These were several years</p> <p>7 before Dr. Saed had the luxury of purchasing kits.</p> <p>8 Q. And approximately when would that have</p> <p>9 been?</p> <p>10 A. 1990s, early 2000s perhaps.</p> <p>11 Q. So approximately 25 years ago, if not</p> <p>12 longer?</p> <p>13 A. Yes.</p> <p>14 Q. Now, you referenced the fact that Dr. Saed</p> <p>15 had the -- I think you said the convenience of the</p> <p>16 availability of a commercial assay kit. Twenty-five</p> <p>17 years ago these types of commercial kits were not</p> <p>18 available, correct?</p> <p>19 MR. BALZANO: Object to form.</p> <p>20 THE WITNESS: I cannot say. I didn't use</p> <p>21 them.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. Is this -- is this commercial assay kit</p> <p>24 the type of assay kit that is now typically used in</p> <p>25 the scientific community?</p>
<p style="text-align: right;">Page 111</p> <p>1 marked as Exhibit 10. This is a copy of the Cell</p> <p>2 Transformation Assay Kit product guide that you had</p> <p>3 referred to -- or a protocol booklet that you had</p> <p>4 referred to in footnote 20 of your report.</p> <p>5 A. (Witness reviews document.)</p> <p>6 Q. Dr. Said used a commercial cell</p> <p>7 transformation assay kit, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And it was the ab235698 kit that's</p> <p>10 manufactured by Abcam?</p> <p>11 A. Yes.</p> <p>12 Q. Are you familiar with that assay kit?</p> <p>13 A. As familiar as I could be after reading</p> <p>14 the pamphlet he produced here as Exhibit 10.</p> <p>15 Q. Other than the protocol booklet that's</p> <p>16 been produced to you as Exhibit 10, do you have any</p> <p>17 personal knowledge related to this type of assay</p> <p>18 kit?</p> <p>19 MR. BALZANO: Object to form.</p> <p>20 THE WITNESS: This type of assay kit?</p> <p>21 BY MR. LAPINSKI:</p> <p>22 Q. This particular assay kit.</p> <p>23 A. I've never used this particular assay kit.</p> <p>24 Q. Have you ever used any type of cell</p> <p>25 transformation assay kit?</p>	<p style="text-align: right;">Page 113</p> <p>1 MR. BALZANO: Object to form.</p> <p>2 THE WITNESS: I can't say what's typically</p> <p>3 use in the scientific community.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. Well, you're rendering an opinion in</p> <p>6 regard to Dr. Saed's use of this kit. Do you know</p> <p>7 whether or not this kit is typically used for this</p> <p>8 type of research?</p> <p>9 A. No.</p> <p>10 Q. No, you don't know?</p> <p>11 A. No. I'm referencing this kit based on</p> <p>12 what I've read from the pamphlet provided.</p> <p>13 Q. Okay. Are you aware of whether there are</p> <p>14 any commercial assay kits that specifically test for</p> <p>15 malignant transformation?</p> <p>16 A. No, not specifically. I don't search</p> <p>17 catalogs for kits that purport to measure anything.</p> <p>18 Q. If we look at this protocol booklet and we</p> <p>19 go to page 3 of the protocol booklet, there is an</p> <p>20 overview. And the overview begins:</p> <p>21 "Transformation of normal cells into</p> <p>22 neoplastic (malignant) cells is the first step in</p> <p>23 tumorigenesis."</p> <p>24 Do you agree with that statement?</p> <p>25 A. I'm sorry. Where are we reading?</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Section 1, "Overview," the first sentence:</p> <p>2 "Transformation of normal cells into</p> <p>3 neoplastic (malignant) cells is the first step in</p> <p>4 tumorigenesis."</p> <p>5 Do you agree with that statement?</p> <p>6 A. No. A malignant cell is a cancerous cell,</p> <p>7 so it couldn't be the first step.</p> <p>8 Q. So in your opinion what would the first</p> <p>9 step be?</p> <p>10 A. The first step would be the acquisition of</p> <p>11 a rate-limiting genetic alteration that sets a</p> <p>12 normal cell on a path towards the becoming a</p> <p>13 completely malignant tumor cell.</p> <p>14 Q. Do you agree that in vitro assays of</p> <p>15 cellular oncotransformation are a critical tool in</p> <p>16 studying the mechanisms of carcinogenesis?</p> <p>17 MR. BALZANO: Objection to form.</p> <p>18 THE WITNESS: Not really.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. Do you agree that cell transformation</p> <p>21 assays are frequently employed in toxicology to</p> <p>22 evaluate the carcinogenic potential of a particular</p> <p>23 compound?</p> <p>24 MR. BALZANO: Object to form.</p> <p>25 THE WITNESS: This sounds like an</p>	<p style="text-align: right;">Page 116</p> <p>1 And as I've stated, I'm not totally clear</p> <p>2 on what the investigators mean by "cell</p> <p>3 transformation" outside the context of</p> <p>4 malignant transformation.</p> <p>5 But I would suggest that there's no single</p> <p>6 hallmark of whatever they mean by</p> <p>7 transformation or malignant transformation.</p> <p>8 Cancer cells have multiple hallmarks and</p> <p>9 properties.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. Is malignant transformation a type of cell</p> <p>12 transformation?</p> <p>13 MR. BALZANO: Object to form.</p> <p>14 THE WITNESS: Malignant transformation is</p> <p>15 simply malignant transformation, the</p> <p>16 transformation of a normal cell into a</p> <p>17 malignant cancer cell.</p> <p>18 They appear to be trying to distinguish</p> <p>19 between some other type of cell transformation</p> <p>20 other than malignant transformation in this</p> <p>21 work and in this kit overview. But as I've</p> <p>22 stated, transformation is a very subjective</p> <p>23 term without the preceding term "malignant"</p> <p>24 attached to it.</p> <p>25</p>
<p style="text-align: right;">Page 115</p> <p>1 advertisement, not a scientific treatise, but I</p> <p>2 honestly don't know what the manufacturer means</p> <p>3 by "cell transformation" in this context.</p> <p>4 If they're referring to malignant</p> <p>5 transformation, I would disagree.</p> <p>6 BY MR. LAPINSKI:</p> <p>7 Q. But if they're referring to just cell</p> <p>8 transformation, you would agree?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 THE WITNESS: I cannot honestly say that</p> <p>11 I'm familiar what cell transformation -- other</p> <p>12 than malignant transformation -- is, other than</p> <p>13 some state that preexists prior to the</p> <p>14 conversion of a normal cell into a completely</p> <p>15 malignant cell.</p> <p>16 Transformation is a very subjective word</p> <p>17 or term.</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. Do you agree with the statement:</p> <p>20 "Anchorage-independent cell growth is the</p> <p>21 hallmark of cell transformation"?</p> <p>22 MR. BALZANO: Object to form.</p> <p>23 THE WITNESS: That's a very complicated</p> <p>24 question. There is no single hallmark to</p> <p>25 malignant transformation.</p>	<p style="text-align: right;">Page 117</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. In the second paragraph, on page 7.</p> <p>3 MR. BALZANO: Of his report or of his --</p> <p>4 MR. LAPINSKI: Of his report.</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Let's stick with the -- let's stick with</p> <p>7 the kit for a moment. If you were conducting a type</p> <p>8 of study that Dr. Saed conducted, what type of kit</p> <p>9 would you have used?</p> <p>10 MR. BALZANO: Object to form.</p> <p>11 THE WITNESS: As I've indicated before, I</p> <p>12 wouldn't use a kit.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Okay. If you were conducting the type of</p> <p>15 study that Dr. Saed conducted, what would you have</p> <p>16 done?</p> <p>17 MR. BALZANO: Object to form.</p> <p>18 THE WITNESS: I'm not sure in what context</p> <p>19 I would have conducted such a study.</p> <p>20 If I were looking for malignant</p> <p>21 transformation, I would go straight to animals.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. An animal study would be one of three</p> <p>24 different steps that are taken as it relates to</p> <p>25 proving causation of something, correct?</p>

<p style="text-align: right;">Page 118</p> <p>1 MR. BALZANO: Object to form.</p> <p>2 THE WITNESS: As opposed to what?</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. I think you've testified before that there</p> <p>5 are in vitro studies. That's the first step to</p> <p>6 investigating something, correct? Then the second</p> <p>7 step is animal studies. And then the third step</p> <p>8 would be human studies, correct?</p> <p>9 MR. BALZANO: Object to form.</p> <p>10 And I would ask you show him his prior</p> <p>11 testimony.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. Do you agree with that statement?</p> <p>14 A. Makes sense, yeah.</p> <p>15 Q. Okay. And as it relates to the work on</p> <p>16 malignant transformation, your opinion would be that</p> <p>17 you wouldn't do in vitro studies, you would go</p> <p>18 directly to animal studies for purposes of malignant</p> <p>19 transformation?</p> <p>20 A. Yeah. It's important to start with cells</p> <p>21 and culture in order treat them and render them into</p> <p>22 some altered state. At which point, I would inject</p> <p>23 the cells or perhaps look for mutations in the cells</p> <p>24 that were treated in vitro for genetic alterations</p> <p>25 that we previously discussed.</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. If Dr. Saed had used the term "cell</p> <p>3 transformation" as compared to "malignant</p> <p>4 transformation," in your opinion, would have fit</p> <p>5 within the indication of Abcam commercial assay kit,</p> <p>6 correct?</p> <p>7 MR. BALZANO: Object to form.</p> <p>8 THE WITNESS: To the extent that one</p> <p>9 understands what "transformation" means outside</p> <p>10 the context of malignant transformation. And I</p> <p>11 don't.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. Now going to the second paragraph of</p> <p>14 page 7 of your report, you also raise issue with</p> <p>15 Dr. Saed's reference to transformation after 72</p> <p>16 hours of treatment; is that correct?</p> <p>17 A. Yes, I think that's correct.</p> <p>18 Q. And again, that's an opinion that is</p> <p>19 shared by the peer reviewers who had provided</p> <p>20 critique of Dr. Saed's manuscript, correct?</p> <p>21 A. I believe so, yes.</p> <p>22 MR. BALZANO: Object to form. If we could</p> <p>23 look at the peer review criticisms.</p> <p>24 MS. DAVIDSON: Dr. Boyd, the way a</p> <p>25 deposition is supposed to work is he asks the</p>
<p style="text-align: right;">Page 119</p> <p>1 An essential characteristic of any tumor</p> <p>2 cell is malignant -- or is genetic mutation. I'm</p> <p>3 sorry.</p> <p>4 So there are some in vitro things that can</p> <p>5 be done. But in order to show that -- in essence</p> <p>6 that the treatment of cultured cells in a Petri dish</p> <p>7 have been rendered malignant, it's ultimately</p> <p>8 necessary to put those cells into an animal,</p> <p>9 generally in a subcutaneous context, but sometimes</p> <p>10 in an intraperitoneal context, sometimes in a tail</p> <p>11 ring context. But the idea is to show there they're</p> <p>12 creating tumors in animals.</p> <p>13 But the treatment of the cells must occur</p> <p>14 in vitro in a Petri dish.</p> <p>15 Q. If Dr. Saed, in his 2021 poster, had</p> <p>16 referenced cell transformation as compared to</p> <p>17 malignant transformation, would that have been okay</p> <p>18 in your opinion?</p> <p>19 MR. BALZANO: Object to form.</p> <p>20 THE WITNESS: It would have been okay in</p> <p>21 terms of him not suggesting that he is showing</p> <p>22 malignant transformation. It wouldn't have</p> <p>23 gotten him any closer to showing malignant</p> <p>24 transformation however.</p> <p>25</p>	<p style="text-align: right;">Page 121</p> <p>1 question, he objects, then you answer.</p> <p>2 You're not giving him time to object, so</p> <p>3 we're getting a screwed-up record.</p> <p>4 So take a deep breath. 15 seconds, that's</p> <p>5 all we ask. We know you're here to answer. 15</p> <p>6 seconds till the answer, for him to object.</p> <p>7 MR. LAPINSKI: Off the record.</p> <p>8 (A discussion was held off the record.)</p> <p>9 BY MR. LAPINSKI:</p> <p>10 Q. Dr. Boyd, on page 8 of your report, you</p> <p>11 talk about anchorage-independent growth in the top</p> <p>12 paragraph.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. What is your understanding of the meaning</p> <p>16 of anchorage-independent cell growth?</p> <p>17 A. Growth in a semisolid medium, independent</p> <p>18 of a solid medium such as a plastic Petri dish.</p> <p>19 Semisolid medium being, for example, soft agar.</p> <p>20 Q. Is anchorage-independent cell growth a</p> <p>21 feature of transformed cells?</p> <p>22 A. Again, we're getting back to this</p> <p>23 distinction between transformed cells and</p> <p>24 malignantly transformed cells. I don't have a grasp</p> <p>25 of what the term "transformed cells" means in this</p>

<p style="text-align: right;">Page 122</p> <p>1 context as a cancer scientist.</p> <p>2 He seems to be conflating the two</p> <p>3 throughout, which is a problem I have, using the</p> <p>4 term "transformed cells" when he's trying to imply</p> <p>5 that he's rendered the cells malignantly</p> <p>6 transformed.</p> <p>7 Q. You're saying that he's conflating the</p> <p>8 terms cell transformation and malignant</p> <p>9 transformation?</p> <p>10 A. In my opinion --</p> <p>11 MR. BALZANO: Object to form.</p> <p>12 Sorry.</p> <p>13 THE WITNESS: In my opinion, yes.</p> <p>14 No, I'm sorry.</p> <p>15 BY MR. LAPINSKI:</p> <p>16 Q. Is anchorage-independent cell growth a</p> <p>17 feature of cell transformation?</p> <p>18 MR. BALZANO: Object to form. Asked and</p> <p>19 answered.</p> <p>20 THE WITNESS: Again, I don't understand</p> <p>21 what "cell transformation" means in this</p> <p>22 context. There's a certain amount of cancer</p> <p>23 cells.</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. Well, is transformation of a cell a</p>	<p style="text-align: right;">Page 124</p> <p>1 there's been transformation, correct?</p> <p>2 MR. BALZANO: Object to form.</p> <p>3 THE WITNESS: By definition.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. Okay. And there may be multiple steps of</p> <p>6 transformation in that process from a normal cell</p> <p>7 transforming into a malignant cell, correct?</p> <p>8 A. To the extent that multiple genetic</p> <p>9 alterations -- genetic alterations have been</p> <p>10 acquired by a normal cell en route to becoming a</p> <p>11 malignant cancer cell, yes.</p> <p>12 Q. And what if -- to the extent that didn't</p> <p>13 happen, would that mean that -- excuse me -- would</p> <p>14 that mean there would only be a single</p> <p>15 transformation from a normal cell to a malignant</p> <p>16 cell?</p> <p>17 MR. BALZANO: Object to form.</p> <p>18 THE WITNESS: I don't understand what a</p> <p>19 single transformation is.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Well, I'm trying to understand from your</p> <p>22 perspective. As a cell biologist we have a normal</p> <p>23 cell that ultimately becomes a malignant cell. And</p> <p>24 during that process, there are transformations that</p> <p>25 occur within that cell, correct, in order for it to</p>
<p style="text-align: right;">Page 123</p> <p>1 prerequisite for a cell to become malignant?</p> <p>2 MR. BALZANO: Object to form vague.</p> <p>3 THE WITNESS: Again, I'm unfamiliar with</p> <p>4 the term "cell transformation" outside the</p> <p>5 context of malignant cell transformation.</p> <p>6 BY MR. LAPINSKI:</p> <p>7 Q. Okay. Well, let's talk about malignant</p> <p>8 cell transformation. Malignant cell transformation</p> <p>9 is a cell transforming from one state to another</p> <p>10 state, correct?</p> <p>11 MR. BALZANO: Object to form.</p> <p>12 THE WITNESS: Malignant cell</p> <p>13 transformation is the ultimate of the</p> <p>14 transformation of a normal cell into a -- cell</p> <p>15 that's in the process of a transformation of a</p> <p>16 normal cell into a tumor cell.</p> <p>17 And in cells in culture, we don't have the</p> <p>18 luxury of looking at premalignant states like</p> <p>19 we do in tissues in, for example, humans where</p> <p>20 we recognize precursor lesions such as polyps</p> <p>21 and adenomas and carcinoma in situ and so</p> <p>22 forth.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. So we if start off with a normal cell and</p> <p>25 if we end with a malignant cell, in between that,</p>	<p style="text-align: right;">Page 125</p> <p>1 go from a normal cell to a malignant cell?</p> <p>2 MR. BALZANO: Object to form.</p> <p>3 THE WITNESS: Again, you're focused on the</p> <p>4 term transformation, which, again, I'm not</p> <p>5 familiar with. I'm familiar with the</p> <p>6 acquisition and accumulation of genetic</p> <p>7 alterations that are the right limiting steps</p> <p>8 for a normal cell to become a malignant cancer</p> <p>9 cell. But I'm not familiar with, to use your</p> <p>10 term, states of transformation.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. Can an environmental factor cause</p> <p>13 malignant transformation?</p> <p>14 MR. BALZANO: Object to form. Vague.</p> <p>15 THE WITNESS: Certain environmental</p> <p>16 factors, physical and chemical, have been</p> <p>17 associated with the development of human</p> <p>18 cancer, yes.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. And the development of human cancer</p> <p>21 through an environmental factor or environmental</p> <p>22 chemicals results because that environmental factor</p> <p>23 impacts the genetic formation of a cell.</p> <p>24 Is that a fair statement?</p> <p>25 MR. BALZANO: Object to form.</p>

<p style="text-align: right;">Page 126</p> <p>1 THE WITNESS: That -- it's -- the</p> <p>2 environmental factor would have to initiate</p> <p>3 malignant transformation by creating one or</p> <p>4 more of the initial rate-limiting genetic</p> <p>5 alterations required for normal cells to become</p> <p>6 a tumor cell.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. Would you agree that chronic proliferation</p> <p>9 is a critical biologic property of malignant cells?</p> <p>10 MR. BALZANO: Object to form vague.</p> <p>11 THE WITNESS: Cell proliferation and</p> <p>12 programmed cell death are properties of</p> <p>13 malignant tumors, yes.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. In your report on page 8, you refer to the</p> <p>16 manufacturer of the commercial assay and you say:</p> <p>17 "Of note, the manufacturer website from</p> <p>18 which Dr. Saed appears to have copied this sentence</p> <p>19 states that 'anchorage-independent cell growth is</p> <p>20 the hallmark of cell transformation.'"</p> <p>21 MR. BALZANO: I'm sorry, Counsel. What</p> <p>22 paragraph? The first one?</p> <p>23 MR. LAPINSKI: The first paragraph.</p> <p>24 MR. BALZANO: I got it.</p> <p>25</p>	<p style="text-align: right;">Page 128</p> <p>1 understand what is meant by "cell</p> <p>2 transformation" outside the context of</p> <p>3 malignant cell transformation.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. In the second paragraph on page 8, you</p> <p>6 state that it states that:</p> <p>7 "Dr. Saed further states that 'treatment</p> <p>8 with talcum powder resulted in formation of colonies</p> <p>9 indicating cell malignant transformation in a</p> <p>10 dose-dependent manner.'"</p> <p>11 Do you see where I am?</p> <p>12 A. Yes.</p> <p>13 Q. And you say:</p> <p>14 "None of this is correct. For one thing</p> <p>15 there's no indication of how colonies were counted."</p> <p>16 And then in parentheses, it says:</p> <p>17 "(In any of the materials related to the</p> <p>18 studies, including the laboratory notebook) as peer</p> <p>19 reviewers observed."</p> <p>20 So that's another opinion that you have,</p> <p>21 that he was incorrect about his statement related to</p> <p>22 formation of colonies, right?</p> <p>23 MR. BALZANO: Object to form.</p> <p>24 And I would ask that you read the rest of</p> <p>25 the sentence.</p>
<p style="text-align: right;">Page 127</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. Do you see that statement?</p> <p>3 A. Yes.</p> <p>4 Q. And do you agree with that statement?</p> <p>5 A. Yes.</p> <p>6 Q. And do you agree with the statement</p> <p>7 "anchorage-independent cell growth is the hallmark</p> <p>8 of cell transformation"?</p> <p>9 MR. BALZANO: Just not to -- I'm not to --</p> <p>10 but meaning -- because this sentence, it says</p> <p>11 that the manufacturer website states this. And</p> <p>12 do you agree with that statement?</p> <p>13 MR. LAPINSKI: That's what I'm asking.</p> <p>14 MS. DAVIDSON: You asking, does he agree</p> <p>15 it says it. Or does he agree --</p> <p>16 MR. LAPINSKI: No. I'm asking, does he</p> <p>17 agree with the statement.</p> <p>18 MR. BALZANO: No, because I think the</p> <p>19 first question was, did that state -- does the</p> <p>20 manufacturer website state that.</p> <p>21 Now he's asking if you agree with that</p> <p>22 statement.</p> <p>23 THE WITNESS: No. And that's why I put in</p> <p>24 italics "cell transformation" because to</p> <p>25 further emphasize the point that I still don't</p>	<p style="text-align: right;">Page 129</p> <p>1 MR. LAPINSKI: I did read the entire</p> <p>2 sentence.</p> <p>3 MR. BALZANO: No, I think you stopped, "as</p> <p>4 peer reviewers observed," and it says, "and it</p> <p>5 is" --</p> <p>6 MR. LAPINSKI: Oh, I'm sorry.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. "And it is therefore impossible to verify</p> <p>9 that" -- strike that.</p> <p>10 Dr. Boyd, you have an opinion in regard to</p> <p>11 Dr. Saed's reference to the treatment with talcum</p> <p>12 powder resulting in formation of colonies; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. And that's another criticism that was</p> <p>16 shared by the peer reviewers who reviewed Dr. Saed's</p> <p>17 manuscript, correct?</p> <p>18 MR. BALZANO: Object to form, vague.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. In the last paragraph, you talked the</p> <p>22 major quantitative conclusion of the 2020 study, and</p> <p>23 you refer to the fact that Dr. Saed states:</p> <p>24 "Treatment with talcum powder</p> <p>25 significantly increased the number of transformed</p>

<p style="text-align: right;">Page 130</p> <p>1 ovarian cells by 11 percent and 20 percent in the 2 100 and 500 dose respectively," correct? 3 A. More or less correct, yes. 4 Q. Okay. And you say -- the last part of 5 that sentence, you say that it's nonsensical? 6 A. Yes. 7 Q. And you go on to say that the reason that 8 it's nonsensical is that it is a basic principle of 9 elementary school math that any number multiplied by 10 0 is 0, correct? 11 A. Correct. 12 Q. And that's your opinion, correct? 13 A. No, not correct. That's a fact. 14 11 percent of nothing is nothing. 15 Q. Okay. Yes, that's a fact. 16 But it's your opinion that Dr. Saed's 17 application or Dr. Saed's quantitative calculations 18 are incorrect because of that fact that you just 19 stated? 20 MR. BALZANO: Object to form. 21 Mischaracterizes testimony. 22 MS. DAVIDSON: You told me not to talk. 23 You told me to tell Anthony what to say. I'm 24 doing it. 25 THE WITNESS: Again, 11 percent or</p>	<p style="text-align: right;">Page 132</p> <p>1 reviewer; is that correct? 2 A. That's correct. 3 MS. DAVIDSON: Is this a good time for 4 lunch? We've been going over an hour, and we 5 probably want to break and let people go. 6 MR. LAPINSKI: That's fine. Off the 7 record. 8 (At 12:47 p.m. a luncheon recess was 9 taken.) 10 (At 1:13 p.m. the deposition resumes.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 131</p> <p>1 20 percent of 0 is 0. So it's a nonsensical 2 statement, and it's a nonsensical conclusion 3 based on elementary concepts of mathematics. 4 BY MR. LAPINSKI: 5 Q. That's your opinion. That's your overall 6 opinion. I'm not trying to quarrel with you in 7 regard to the mathematics. 8 I'm asking you just to confirm your 9 opinion, which I believe you just did, correct? 10 A. That's my opinion with respect to the 11 quantitative aspects of this assay that he 12 undertook. 13 Q. And that's also an opinion that was noted 14 by the peer reviewers in the peer review comments, 15 correct? 16 MR. BALZANO: Object to form. I would 17 again ask that you show him the specific 18 comments from the peer reviewers. 19 BY MR. LAPINSKI: 20 Q. If we look at footnote 34, Dr. Boyd, you 21 specifically reference documents that were produced, 22 and it says: 23 "Page 5 states the negative control was a 24 blank. If so, how can we have a positive percent?" 25 You also refer to Gynecologic Oncology</p>	<p style="text-align: right;">Page 133</p> <p>1 ***** 2 AFTERNOON SESSION 3 ***** 4 BY MR. LAPINSKI: 5 Q. Dr. Boyd, welcome back from lunch. 6 A. Thank you. 7 Q. Dr. Boyd, I just want to go over a couple 8 of things that we may have already touched on a 9 little bit. 10 One of your opinions is that Dr. Saed's 11 work was incorrect because he did testing on 12 epithelial ovarian cancer cells as compared to 13 fallopian tube cells; is that correct? Strike that. 14 One of your criticisms is that Dr. Saed 15 used epithelial cells ovarian cells and not 16 fallopian tube cells; is that correct? 17 A. Yes. Several opinions regarding the cells 18 that he used. That was one of them. 19 Q. Right. I'm breaking them up. 20 That's one of your opinions, correct? 21 A. Yes. 22 Q. And upon what is that opinion based? 23 A. That's generally viewed now that the great 24 majority of high-grade serous ovarian cancers, which 25 are the majority of ovarian cancer type, occurs in</p>

<p style="text-align: right;">Page 134</p> <p>1 the fallopian tube, in which case the use of some 2 normal type of fallopian tube cell would have been 3 more appropriate. 4 Q. And have you been doing any testing using 5 fallopian tube cells in the lab? 6 MR. BALZANO: Object to the form. 7 THE WITNESS: Me personally? 8 BY MR. LAPINSKI: 9 Q. Yes. 10 A. No. As I've stated before, I don't have 11 an active research laboratory any longer, although I 12 have a clinical laboratory; but no, I don't. 13 Q. Are you aware of anyone who's now doing 14 testing on fallopian tube cells in a laboratory as 15 compared ovarian cells? 16 MR. BALZANO: Object to form, vague. 17 THE WITNESS: In what context? 18 BY MR. LAPINSKI: 19 Q. In the context of the research related to 20 ovarian cancer. 21 MR. BALZANO: Object to form. 22 THE WITNESS: With regard to any research 23 related to ovarian cancer? 24 BY MR. LAPINSKI: 25 Q. Yeah. I believe your statement in your</p>	<p style="text-align: right;">Page 136</p> <p>1 cells as compared to epithelial -- surface 2 epithelial cells? 3 MR. BALZANO: Object to form. Vague. 4 THE WITNESS: I'm aware that, generally 5 speaking, most ovarian cancer research in this 6 era when the subject is high-grade serous 7 ovarian cancer, the research focuses on the 8 fallopian tube or fallopian tube cells. 9 BY MR. LAPINSKI: 10 Q. So your answer is, yes, you're aware of 11 doctors who, in the lab, are using fallopian tube 12 cells for purposes of studying epithelial ovarian 13 cancer? 14 MR. BALZANO: Object to form. Asked and 15 answered. 16 THE WITNESS: When studying high-grade 17 serous ovarian cancer, yes. 18 BY MR. LAPINSKI: 19 Q. Okay. Are you able to cite to any 20 research that you've done on the issue? 21 A. Not specifically, no. 22 Q. Are you able to say to any studies where 23 fallopian tube were used? 24 MR. BALZANO: Object to form. 25 THE WITNESS: No, but I don't have a</p>
<p style="text-align: right;">Page 135</p> <p>1 report was that one of the flaws in Dr. Saed's work 2 is that when looking at epithelial ovarian cancer, 3 he was using epithelial ovarian cells as compared to 4 fallopian tube cells, correct? 5 A. Can we point to the -- 6 MR. BALZANO: Yeah, object. And I would 7 just -- it's on page 6 at the bottom, the last 8 sentence of page 6, Dr. Boyd. 9 MS. DAVIDSON: Dr. Boyd, I need to 10 interrupt. Those of us attending virtually can 11 see the deponent no longer. 12 Please remember to let Anthony object. 13 It's not that hard. Dan objected to 15 14 seconds, so I'm willing to lower it to 10. 15 BY MR. LAPINSKI: 16 Q. So if you look at bottom of page 6 of your 17 report. 18 A. (Witness complies.) 19 Q. You're critical of Dr. Saed's decision to 20 use ovarian surface epithelial cells rather than 21 fallopian tube cells, correct? 22 A. Yes. 23 Q. Okay. And as it relates to epithelial 24 ovarian cancer research, are you aware of anyone who 25 was doing in vitro studies using fallopian tube</p>	<p style="text-align: right;">Page 137</p> <p>1 computer. I don't have notes. 2 Not from memory, no. 3 BY MR. LAPINSKI: 4 Q. Okay. In the work that you've done here, 5 whether it's materials that you relied upon in your 6 2019 report, materials that you relied upon up 7 through your May 24 report, or materials that you 8 considered in your supplemental list of materials 9 considered, does any of the information that you 10 considered involve in vitro testing using fallopian 11 tube cells? 12 MR. BALZANO: Object to form. Vague. 13 THE WITNESS: Not that I recall. 14 BY MR. LAPINSKI: 15 Q. As it relates to your opinion on page 7 16 regarding 72 hours of treatment done by Dr. Saed, 17 did you do any PubMed searches as it relates to the 18 amount of time that the cells should have been 19 treated by Dr. Saed? 20 MR. BALZANO: Object to form. 21 THE WITNESS: Only during the -- are we 22 talking about the paragraph that begins "In 23 addition"? 24 BY MR. LAPINSKI: 25 Q. Yeah.</p>

<p style="text-align: right;">Page 138</p> <p>1 "In addition the notion that a commercial 2 cellular assay kit could be used to demonstrate 3 malignant cell transformation after 72 hours of 4 treatment with an agent is scientifically 5 incoherent." 6 Did I read that correctly? 7 A. You did. 8 Q. Okay. Did you do any research in order to 9 be able to form the basis of that statement about 10 72-hour exposure -- 72-hour treatment. Excuse me. 11 A. No, I didn't need to. It's based on 12 several decades of experience in how cells are 13 transformed into malignant cells. 14 Q. And that's several decades of experience 15 that you have in the work that you're doing now as a 16 cell biologist? 17 A. It's based on decades of experience in 18 cancer generally, cancer research generally, and the 19 process of neoplastic transformation. 20 Q. Are there any studies that you're able to 21 cite to that support that proposition? 22 MR. BALZANO: Object to form. 23 THE WITNESS: No. That's a nonsensical 24 question in my opinion because one doesn't cite 25 negative studies. Well, I think one doesn't</p>	<p style="text-align: right;">Page 140</p> <p>1 findings represent 'a direct causation mechanism of 2 talcum powder exposure specific to normal ovarian 3 cells and further supports previous studies of the 4 association of general use of talcum powder and 5 increased risk of ovarian cancer." 6 Did I read that correctly? 7 A. Almost correctly, but that's fine. 8 Q. And then you say: 9 "This egregious statement is not supported 10 by the data presented by Dr. Saed's research, 11 well-accepted scientific principles, or common 12 sense." 13 Did I read that correctly? 14 A. No. I said "this egregious 15 overstatement." 16 Q. I'm sorry. I thought that's what I had 17 said. 18 A. I think you said statement, but that's 19 okay. 20 Q. I apologize. 21 A. I'm reading along with you. 22 Q. "This egregious overstatement is not 23 supported by the data presented in Dr. Saed's 24 research, well-accepted scientific principles, or 25 common sense."</p>
<p style="text-align: right;">Page 139</p> <p>1 publish negative studies. Scientists don't 2 publish studies showing that you can't 3 transform normal cells into malignant cells in 4 72 hours. So of course I can't point to a 5 study showing that you can't transform a normal 6 cell into a malignant cell in 72 hours because 7 it can't be done. 8 BY MR. LAPINSKI: 9 Q. Is there any research you're able to point 10 to that shows how long you would have to treat a 11 cell in order to show malignancy? 12 A. Not specifically. 13 Q. There's none that you pointed to in any of 14 the documents that you considered for purposes of 15 your opinion, correct? 16 MR. BALZANO: Object to form. The report 17 speaks for itself. 18 THE WITNESS: I relied my experience of 19 decades of cancer research and study. 20 BY MR. LAPINSKI: 21 Q. On page 9 of your report in the 22 "Conclusion" section, the second full paragraph that 23 starts off: 24 "The 2020 abstract and poster and 25 manuscript additionally conclude that the study's</p>	<p style="text-align: right;">Page 141</p> <p>1 Did I read that correctly? 2 A. Yeah. 3 Q. What is the overstatement that you're 4 referring to? 5 A. A direct causation mechanism of talcum 6 powder exposure specific to normal ovarian cells 7 supporting increased risk in ovarian cancer. 8 He has demonstrated absolutely no direct 9 causation mechanism for genital use of talcum powder 10 and increased risk of ovarian cancer. It's an 11 egregiously-flawed overstatement in my opinion. 12 Q. And did you review Dr. Saed's data? 13 MR. BALZANO: Object to form. 14 THE WITNESS: Well, of course I reviewed 15 his data. 16 BY MR. LAPINSKI: 17 Q. Okay. And did you interpret Dr. Saed's 18 data? 19 MR. BALZANO: Object to form. 20 THE WITNESS: Well, yes. 21 BY MR. LAPINSKI: 22 Q. Okay. When you were reviewing and 23 interpreting Dr. Saed's data, did you do any 24 calculations as it relates to the work that he did? 25 A. Calculations in what context?</p>

<p style="text-align: right;">Page 142</p> <p>1 Q. In any context that Dr. Saed may have had</p> <p>2 data that he was using to calculate it.</p> <p>3 A. Are you referring to mathematical</p> <p>4 calculations or -- I'm just not clear on it.</p> <p>5 Q. Yes.</p> <p>6 A. It's a very --</p> <p>7 Q. Yeah, it's --</p> <p>8 A. -- kind of question.</p> <p>9 Q. Mathematical calculations.</p> <p>10 A. I think it's fair to say I made some</p> <p>11 quantitative mathematical assumptions. I didn't</p> <p>12 take pen to paper and perform calculations, no.</p> <p>13 Q. Okay. In the middle of the paragraph, you</p> <p>14 say:</p> <p>15 "More so, contrary to Dr. Saed's</p> <p>16 assertion, the overall body of epidemiological</p> <p>17 studies does not establish an increased risk of</p> <p>18 ovarian cancer for talcum powder use."</p> <p>19 Do you see where I'm reading?</p> <p>20 A. Not yet, if you could help me out here.</p> <p>21 Q. About two-thirds of the way down in the</p> <p>22 paragraph. It begins with "moreover." It's on the</p> <p>23 left-hand side of the paragraph.</p> <p>24 A. Which page are we on?</p> <p>25 Q. On page 9.</p>	<p style="text-align: right;">Page 144</p> <p>1 to come to her conclusion and the reanalysis of the</p> <p>2 sister case controls -- of the sister cohort study.</p> <p>3 THE WITNESS: I should learn to say</p> <p>4 "strike that," but I --</p> <p>5 MS. DAVIDSON: I'm sorry.</p> <p>6 THE WITNESS: I said I should learn to say</p> <p>7 "strike that," but I'm not a lawyer. So I just</p> <p>8 kept that to myself.</p> <p>9 (Boyd Exhibit 11 was received and marked</p> <p>10 for identification, as of this date.)</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. And, Dr. Boyd, you've been handed what's</p> <p>13 been marked as Plaintiffs' Exhibit 11, and that's a</p> <p>14 copy of the O'Brien 2024 study.</p> <p>15 A. (Witness reviews document.)</p> <p>16 Q. And you've seen this study?</p> <p>17 MR. BALZANO: Do you have an extra copy of</p> <p>18 that? I'm sorry.</p> <p>19 Oh, thanks.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. And did you give consideration to this</p> <p>22 study when you were forming your opinions for this</p> <p>23 case?</p> <p>24 MR. BALZANO: Object to form.</p> <p>25 THE WITNESS: I gave considerations to</p>
<p style="text-align: right;">Page 143</p> <p>1 MR. BALZANO: We're on page 9. It's</p> <p>2 "Moreover."</p> <p>3 THE WITNESS: "Moreover," okay. I'm with</p> <p>4 you.</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. "Moreover, contrary to Dr. Saed's</p> <p>7 assertion, the overall body of epidemiological</p> <p>8 studies does not establish an increased risk of</p> <p>9 ovarian cancer from talcum powder use."</p> <p>10 Did I read that correctly?</p> <p>11 A. Yes.</p> <p>12 Q. And there's a footnote there. That's</p> <p>13 footnote 38. In footnote 38 you cite to an O'Brien</p> <p>14 2020 article and also an O'Brien 2021 article; is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Are you familiar -- well, you're aware</p> <p>18 that O'Brien published in 2024 another epidemiologic</p> <p>19 study related to talcum powder.</p> <p>20 Are you aware of that?</p> <p>21 A. Yes.</p> <p>22 Q. Did you review that study?</p> <p>23 A. I read the study, but I'm not an</p> <p>24 epidemiologist and so I don't suggest that I'm</p> <p>25 familiar with the mathematical manipulation she used</p>	<p style="text-align: right;">Page 145</p> <p>1 some aspects of her interpretation of her own</p> <p>2 study, yes.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. And you said you're not an epidemiologist,</p> <p>5 correct?</p> <p>6 A. I do not hold myself out to be an</p> <p>7 epidemiologist, correct.</p> <p>8 Q. You're not an expert in epidemiology?</p> <p>9 A. I do not hold myself out to be an expert</p> <p>10 in epidemiology.</p> <p>11 Q. And you're not providing an opinion as it</p> <p>12 relates to the O'Brien 2024 study, correct?</p> <p>13 MR. BALZANO: Object to form. Vague.</p> <p>14 THE WITNESS: I am providing an opinion</p> <p>15 with respect to some of the statements she made</p> <p>16 in the study, the paper itself.</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. Okay. And did Dr. O'Brien make any</p> <p>19 statements in her 2024 study that relate to cell</p> <p>20 biology?</p> <p>21 A. Yes, I believe she did.</p> <p>22 Q. Okay. And what statements would they be</p> <p>23 that would fall within your area of expertise and</p> <p>24 allow you to comment on them?</p> <p>25 A. If we turn to page 13 in the paper and go</p>

<p style="text-align: right;">Page 146</p> <p>1 to the second column, the second paragraph beginning</p> <p>2 with "These." I would say that these results -- I</p> <p>3 would quote Dr. O'Brien in saying that "these</p> <p>4 results do not establish causality and do not</p> <p>5 implicate any cancer-specific inducing agent."</p> <p>6 Q. So you're quoting Dr. O'Brien. You're not</p> <p>7 analyzing whether or not Dr. O'Brien is right or</p> <p>8 wrong in that statement. You're just referring to</p> <p>9 that part of her article, correct?</p> <p>10 MR. BALZANO: Object to form.</p> <p>11 THE WITNESS: Yes. As a cell and</p> <p>12 molecular biologist, I was particularly struck</p> <p>13 by that comment with regard to the impact of</p> <p>14 the study on association versus causality and</p> <p>15 her belief that her results are unrelated to</p> <p>16 causality.</p> <p>17 BY MR. LAPINSKI:</p> <p>18 Q. So she does also say in the report, on the</p> <p>19 first page, going onto the second page:</p> <p>20 "Use of powder in the genital area could</p> <p>21 plausibly promote carcinogenesis through mechanisms</p> <p>22 other than direct contact with asbestos, including</p> <p>23 exposure to other chemicals or irritation and</p> <p>24 inflammation of the reproductive tract."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 148</p> <p>1 materials considered?</p> <p>2 A. No, but it's not -- it wasn't useful in</p> <p>3 the formation of my opinion as a cause of ovarian</p> <p>4 cancer.</p> <p>5 (Boyd Exhibit 12 was received and marked</p> <p>6 for identification, as of this date.)</p> <p>7 THE WITNESS: (Witness reviews document.)</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. Dr. Boyd, you have in front of you what's</p> <p>10 been marked as Boyd Exhibit 12, which is the</p> <p>11 April 2021 Health Canada report. You said you have</p> <p>12 seen this before, correct?</p> <p>13 A. I have, yes.</p> <p>14 Q. And this was something that you did look</p> <p>15 at as it relates to your opinions?</p> <p>16 MR. BALZANO: Object to form.</p> <p>17 THE WITNESS: I did look at it. I did not</p> <p>18 use the report in forming my opinions in my</p> <p>19 revised expert report.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. And what's your understanding of what the</p> <p>22 Health Canada report is?</p> <p>23 MR. BALZANO: Object to form.</p> <p>24 THE WITNESS: It's an assessment by a</p> <p>25 review group on the association of perineal use</p>
<p style="text-align: right;">Page 147</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And you agree with that?</p> <p>3 A. I agree that that's what she said or</p> <p>4 wrote.</p> <p>5 Q. Okay. She also wrote -- well, actually</p> <p>6 not that she wrote it. Dr. Fleming stated:</p> <p>7 "These findings" -- and this is at the top</p> <p>8 of page 2, as far as relevance:</p> <p>9 "These findings support the hypothesis</p> <p>10 that there is a positive association between genital</p> <p>11 talc use and the development of ovarian cancer, but</p> <p>12 unmeasured confounding can still be present."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Do you agree with that?</p> <p>16 A. I agree that it's a finding hypothesis and</p> <p>17 that's what she's shown.</p> <p>18 Q. Now, as it relates to your opinion on the</p> <p>19 overall body of epidemiological studies, did you</p> <p>20 give any consideration to the findings in the</p> <p>21 Health Canada report in April of 2021?</p> <p>22 A. I read it, yes.</p> <p>23 Q. Did you give any consideration to it?</p> <p>24 A. I did, actually.</p> <p>25 Q. Okay. Is it listed in your list of</p>	<p style="text-align: right;">Page 149</p> <p>1 of talcum powder and subsequent development of</p> <p>2 ovarian cancer.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. Is there a particular reason as to why you</p> <p>5 did not consider this for purposes of your report?</p> <p>6 MR. BALZANO: Object to form.</p> <p>7 THE WITNESS: I thought the report was</p> <p>8 particularly -- particularly uninformative</p> <p>9 because of several reasons. They seem to</p> <p>10 contradict themselves with respect to the</p> <p>11 weight of the epidemiologic data, especially on</p> <p>12 page 24, paragraph 2.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Any other reasons?</p> <p>15 A. That's the main reason.</p> <p>16 Q. Dr. Boyd, are you familiar with IARC?</p> <p>17 A. I am.</p> <p>18 Q. And is IARC a specialized cancer agency of</p> <p>19 the World Health Organization?</p> <p>20 A. I think that's a fair description of IARC.</p> <p>21 Q. And are they an independent international</p> <p>22 organization?</p> <p>23 MR. BALZANO: Object to form.</p> <p>24 THE WITNESS: I'm not sure how you're</p> <p>25 defining "independent."</p>

<p style="text-align: right;">Page 150</p> <p>1 MR. LAPINSKI: You can mark that as</p> <p>2 Exhibit 13.</p> <p>3 (Boyd Exhibit 13 was received and marked</p> <p>4 for identification, as of this date.)</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Dr. Boyd, you've been handed a document</p> <p>7 that's been marked as Boyd Exhibit 13, and this is a</p> <p>8 printout from IARC's website. I just want to go</p> <p>9 over a couple of things with you.</p> <p>10 A. (Witness reviews document.)</p> <p>11 Q. In the second paragraph, see:</p> <p>12 "The objective of IARC is to promote</p> <p>13 international collaboration in cancer research. The</p> <p>14 agency is interdisciplinary, bringing together</p> <p>15 skills in epidemiology and laboratory sciences and</p> <p>16 biostatistics to identify the causes of cancer so</p> <p>17 that preventative measures may be adopted and the</p> <p>18 burden of disease and associated suffering reduced."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. As it relates to IARC, would you agree</p> <p>22 with that statement?</p> <p>23 A. It's a reasonable statement, yes.</p> <p>24 Q. Now, the next sentence says:</p> <p>25 "A significant feature of the agency is</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Okay. Did you review that publication?</p> <p>2 MR. BALZANO: Object to form.</p> <p>3 (Boyd Exhibit 14 was received and marked</p> <p>4 for identification, as of this date.)</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Dr. Boyd, I've handed you what's been</p> <p>7 marked as Boyd Exhibit 14, which copy of the article</p> <p>8 that was published in Lancet Oncology regarding the</p> <p>9 IARC Working Group.</p> <p>10 Have you seen this document before?</p> <p>11 A. Yes.</p> <p>12 Q. Did you review this?</p> <p>13 A. I read it, yes.</p> <p>14 Q. Is the determination of IARC something</p> <p>15 that you've considered in -- strike that.</p> <p>16 Have you considered the determinations of</p> <p>17 IARC in forming your opinions as it relates in this</p> <p>18 case?</p> <p>19 MR. BALZANO: Object to form. Vague.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Have you considered the opinions of</p> <p>22 IARC -- strike that.</p> <p>23 Have you considered the findings of IARC</p> <p>24 as it relates to the opinions you're sharing in this</p> <p>25 case?</p>
<p style="text-align: right;">Page 151</p> <p>1 its expertise in coordinating research across</p> <p>2 countries and organizations. It's independent role</p> <p>3 as an international organization facilitates this</p> <p>4 activity."</p> <p>5 Would you agree that IARC plays an</p> <p>6 independent role as an international organization?</p> <p>7 A. Perhaps. To the extent that it's</p> <p>8 describing itself one has to take everything with a</p> <p>9 grain of salt, but I think it's reasonable</p> <p>10 statement.</p> <p>11 Q. Do you not think that IARC is an</p> <p>12 independent international organization?</p> <p>13 MR. BALZANO: Object to form.</p> <p>14 THE WITNESS: I have no reason to believe</p> <p>15 that it's not independent, at least</p> <p>16 acknowledging it's an agency of the World</p> <p>17 Health Organization.</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. Are you aware that in July of 2024, just</p> <p>20 earlier this month, IARC published the results of a</p> <p>21 working group as it relates to the classification of</p> <p>22 talcum powder as a carcinogen?</p> <p>23 A. I am.</p> <p>24 Q. I'm sorry. You are aware of that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 153</p> <p>1 A. I have considered them, yes.</p> <p>2 MS. DAVIDSON: I just wanted to say</p> <p>3 something.</p> <p>4 MR. LAPINSKI: Sure.</p> <p>5 MS. DAVIDSON: We should have added, I</p> <p>6 think, these IARC things. I think what</p> <p>7 happened was his deposition got moved. This</p> <p>8 got written, I think, before his deposition was</p> <p>9 moved.</p> <p>10 We can do a supplemental reliance list and</p> <p>11 add the couple of things we sent in like in the</p> <p>12 last week or two because I believe this was --</p> <p>13 MR. BALZANO: July 3rd was the original.</p> <p>14 MS. DAVIDSON: The deposition date.</p> <p>15 MR. BALZANO: Yeah. I think the press</p> <p>16 release was July 5.</p> <p>17 MS. DAVIDSON: That's on Skadden. Because</p> <p>18 we prepared this list and so if you want us to</p> <p>19 prepare a supplemental list now that we can --</p> <p>20 That should have been on there.</p> <p>21 MR. LAPINSKI: So just -- yeah. Just --</p> <p>22 I'm good.</p> <p>23 Let me ask questions and we'll clarify.</p> <p>24 MS. DAVIDSON: Understood. And we're</p> <p>25 happy to -- I would like to state for the</p>

<p style="text-align: right;">Page 154</p> <p>1 record that we can do it, additional materials</p> <p>2 considered lists that have this IARC document</p> <p>3 that we did.</p> <p>4 MR. LAPINSKI: So for today, if anything,</p> <p>5 what we've accomplished is this: On the</p> <p>6 record, Jessica had said that I was right, and</p> <p>7 on the record, Jessica has acknowledged that</p> <p>8 she was wrong about something or that you made</p> <p>9 a mistake.</p> <p>10 MS. DAVIDSON: Or that an associate made a</p> <p>11 mistake. Not that I made a mistake.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. So, Dr. Boyd, I'm going to ask you some</p> <p>14 questions in regard to the IARC determination. On</p> <p>15 July 5 in Lancet Oncology, this article was</p> <p>16 published as it relates to the IARC 2024 findings,</p> <p>17 correct?</p> <p>18 A. That's my understanding, yes.</p> <p>19 Q. Okay. And this IARC 2024 finding was</p> <p>20 provided to you for purposes of your review and</p> <p>21 consideration; is that correct?</p> <p>22 MR. BALZANO: Object to form.</p> <p>23 THE WITNESS: Actually, I found it myself</p> <p>24 by clicking on the link in the original IARC</p> <p>25 press release or whatever it was that led me to</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. Have you done enough of a review in order</p> <p>2 for you to consider the findings by IARC as it</p> <p>3 relates to your opinions in the case?</p> <p>4 MR. BALZANO: Object to form. Vague.</p> <p>5 THE WITNESS: The findings of IARC do not</p> <p>6 relate to the formation of my opinions in this</p> <p>7 case.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. Now, IARC has classified talc not</p> <p>10 containing asbestos as probably carcinogenic to</p> <p>11 humans; is that correct?</p> <p>12 A. That's my understanding, yes.</p> <p>13 Q. And IARC has also found that there is a</p> <p>14 strong -- there is strong mechanistic evidence in</p> <p>15 human primary cells and environmental systems; is</p> <p>16 that correct?</p> <p>17 A. That's correct. And that's why I have not</p> <p>18 considered the new IARC press release in the</p> <p>19 formation of my opinions in this case because I</p> <p>20 strongly disagree.</p> <p>21 Q. And talc containing asbestos retains its</p> <p>22 classification as Group 1 carcinogen in humans,</p> <p>23 correct?</p> <p>24 A. No, I don't believe that is correct.</p> <p>25 Q. You don't believe that IARC has maintained</p>
<p style="text-align: right;">Page 155</p> <p>1 the Lancet Oncology article. So I found it</p> <p>2 myself.</p> <p>3 Is that the question?</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. That wasn't my question, but thank you for</p> <p>6 the clarification. My question is more so, you</p> <p>7 found it, correct?</p> <p>8 A. I did indeed.</p> <p>9 Q. You've reviewed it?</p> <p>10 A. I've read it.</p> <p>11 Q. And -- okay. Is there a difference</p> <p>12 between reading and reviewing?</p> <p>13 MR. BALZANO: Object to form.</p> <p>14 MR. LAPINSKI: I said "review," he said</p> <p>15 "read." I'm asking him for the difference</p> <p>16 between the two.</p> <p>17 THE WITNESS: I think, generally speaking,</p> <p>18 reviewing is more in-depth analysis of a body</p> <p>19 of work or a publication as opposed to reading</p> <p>20 and understanding the words on the paper, yes.</p> <p>21 BY MR. LAPINSKI:</p> <p>22 Q. And as we sit here today, you have not yet</p> <p>23 reviewed this, correct?</p> <p>24 A. I have not undertaken an in-depth review</p> <p>25 of this paper, no.</p>	<p style="text-align: right;">Page 157</p> <p>1 its classification of talc containing asbestos as a</p> <p>2 Group 1 carcinogen to humans?</p> <p>3 MR. BALZANO: Well, I'll object to form.</p> <p>4 I think the press release -- I'm not sure if it</p> <p>5 mentions -- or at least you can point out to us</p> <p>6 where it mentions retaining.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. So at the bottom of the second paragraph,</p> <p>9 the last sentence says:</p> <p>10 "Talc containing asbestos was not</p> <p>11 re-evaluated and retains its classification within</p> <p>12 asbestos, Group 1, from Volume 100C."</p> <p>13 Did I read that correctly?</p> <p>14 A. I'm not with you. On are we back on the</p> <p>15 Lancet Oncology article?</p> <p>16 Q. Yes, the Lancet Oncology article, bottom</p> <p>17 of the second paragraph on the first page. It says:</p> <p>18 "Talc containing asbestos was not</p> <p>19 re-evaluated and retains its classification within</p> <p>20 asbestos, Group 1, for from Volume 100C."</p> <p>21 Did I read that correctly?</p> <p>22 A. Oh I see, yes. Within asbestos, Group 1.</p> <p>23 So, in other words, I consider asbestos to</p> <p>24 be a Group 1 carcinogen and it would appear that</p> <p>25 they're including talc containing asbestos, whatever</p>

<p style="text-align: right;">Page 158</p> <p>1 that is, within the broad category of asbestos as a 2 Group 1 carcinogen. 3 Q. Now, you do consider asbestos to be a 4 carcinogen? 5 A. Yes. 6 Q. If you would go to page 2 of the Lancet 7 article. 8 A. (Witness complies.) 9 Q. The second paragraph from the bottom 10 states: 11 "There was 'limited' evidence that talc 12 causes ovarian cancer in humans. Most of the 13 available studies assessed use of talc-based body 14 powder. Since Volume 93, more consistent positive 15 associations for ever-use versus never-use has been 16 reported in pooled cohort studies and case-control 17 studies, including evidence of an exposure-response 18 relationship with frequency or duration of use." 19 Did I read that correctly? 20 A. You did. 21 Q. And do you agree with that statement? 22 A. No. 23 Q. If you go to the third page, in the last 24 paragraph of the article, which is towards the top 25 of the page, it says:</p>	<p style="text-align: right;">Page 160</p> <p>1 "Talc alters cell proliferation." 2 Do you agree with that? 3 MR. BALZANO: Object to form. Agree that 4 that's what's written, or agree with the 5 statement? 6 BY MR. LAPINSKI: 7 Q. Agree with the statement. 8 A. No, I don't agree with the statement. 9 It's a very broad and general statement that doesn't 10 specify what system, what experiment, what study. 11 There's no citation. It's hard to agree with such a 12 general -- generalization. 13 Q. Would you have the same position as it 14 relates to the statement that talc alters cell 15 death? 16 A. Yeah, I would have the same opinion with 17 respect to the rest of the sentence where there are 18 no citations given. 19 Q. Do you know the bases upon which IARC 20 decisions were made? 21 MR. BALZANO: Object to form. Vague. 22 THE WITNESS: I would ask whether you're 23 referring to the committee that was convened to 24 reassess carcinogenicity of talc as opposed to 25 IARC itself.</p>
<p style="text-align: right;">Page 159</p> <p>1 "Talc induces chronic inflammation. In 2 experimental systems in vivo, consistent and cohort 3 evidence was observed in various tissues following 4 different routes and exposure of up to two years." 5 Do you agree with that statement? 6 A. No. 7 MR. BALZANO: Coherent instead of cohort. 8 MR. LAPINSKI: Coherent. I'm sorry. 9 THE WITNESS: I would have to look at what 10 reference 11 is. 11 So the only study that's cited in this 12 very long and convoluted sentence is the NTP study 13 where, in rats and mice, were exposed via lifelong 14 inhalation of talc. And in female rats, lung 15 cancers were observed, and in male and female rats, 16 pheochromocytomas were observed. No tumors were 17 observed in mice. 18 So to the extent that that's the result of 19 the NTP study, I don't really see how it relates to 20 a lot of -- the rest of the sentence involving 21 chronic inflammation and consistent and coherent 22 evidence in various tissues. I think it's an 23 overstatement based on the NTP study. 24 BY MR. LAPINSKI: 25 Q. Well, it next states:</p>	<p style="text-align: right;">Page 161</p> <p>1 BY MR. LAPINSKI: 2 Q. We'll start there. There was a committee 3 formed by IARC in order to investigate this issue, 4 correct? 5 A. There was a working group formed, yes. 6 Q. And that working group evaluated 7 scientific literature that was available on the 8 topic? 9 A. I should hope so. 10 Q. Okay. Are you aware of all the scientific 11 literature that was evaluated? 12 A. No. 13 MR. BALZANO: Object to form. 14 BY MR. LAPINSKI: 15 Q. So you did not include this in your 16 July 16, 2024 additional materials considered, 17 correct? 18 Just -- correct? 19 A. Correct. 20 Q. Okay. It's my understanding that that was 21 an oversight, but that you have reviewed this in 22 support of your opinions. 23 MR. BALZANO: To make the record clear, 24 oversight by me. So we will supplement that. 25 MR. LAPINSKI: You could have said "Yes."</p>

<p style="text-align: right;">Page 162</p> <p>1 She's not allowed to speak on the record.</p> <p>2 MS. DAVIDSON: Hasn't stopped me.</p> <p>3 THE COURT REPORTER: No.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. Dr. Boyd --</p> <p>6 MS. DAVIDSON: For the record, Anthony is</p> <p>7 being nice. It wasn't Anthony. It was a</p> <p>8 paralegal under Anthony's supervision. There's</p> <p>9 a lot of layers.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. So, Dr. Boyd, we just went through your</p> <p>12 opinions as it relates to the Saed 2020 poster and</p> <p>13 the research that was associated with that, correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And if I'm correct, your criticisms of</p> <p>16 Dr. Saed's poster relate to the dosing, the amount</p> <p>17 of talc dosing, correct?</p> <p>18 MR. BALZANO: Object to form. One of his</p> <p>19 criticisms.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. One of your criticisms is an issue with</p> <p>22 the dosing that he used, correct?</p> <p>23 A. That's correct.</p> <p>24 Q. Okay. Another of your criticisms is that</p> <p>25 he didn't use fallopian tube cells, correct?</p>	<p style="text-align: right;">Page 164</p> <p>1 "The cohort studies are most telling that</p> <p>2 there was no increased risk. Such an increase would</p> <p>3 have been observed in epidemiology studies and</p> <p>4 almost certainly would have been much larger."</p> <p>5 Do you see where I read from?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And one of your criticisms is that</p> <p>8 if what Dr. Saed was doing was scientifically</p> <p>9 accurate, then in epithelial epidemiology studies,</p> <p>10 we would see higher reports of ovarian cancer; is</p> <p>11 that correct?</p> <p>12 MR. BALZANO: Object to form, vague.</p> <p>13 THE WITNESS: I believe that if one</p> <p>14 exposed cells in culture for 72 hours to talc</p> <p>15 and that resulted in malignant transformation,</p> <p>16 then I believe that the widespread -- the very</p> <p>17 widespread use of talcum powder, in a perineal</p> <p>18 context, in women, would have an enormous</p> <p>19 association with ovarian cancer, and we</p> <p>20 wouldn't be litigating this issue 14 years on</p> <p>21 or however long it's been.</p> <p>22 BY MR. LAPINSKI:</p> <p>23 Q. I'm sorry. I just lost my train of</p> <p>24 thought. Give me a second.</p> <p>25 Each of the criticisms that we just went</p>
<p style="text-align: right;">Page 163</p> <p>1 A. That's correct.</p> <p>2 Q. Another of your criticisms is the 72-hour</p> <p>3 transformation, correct?</p> <p>4 A. The 72-hour malignant transformation, yes.</p> <p>5 Q. Another one of your criticisms is the</p> <p>6 quantitative criticism as far as the percent</p> <p>7 increases that he referenced, correct?</p> <p>8 A. That is very correct.</p> <p>9 Q. Now another one of your criticisms is that</p> <p>10 a single -- strike that.</p> <p>11 Another one of your criticisms is that a</p> <p>12 single application would have resulted in much</p> <p>13 higher -- would result in much higher results of</p> <p>14 ovarian cancer in epidemiologic studies if what</p> <p>15 Dr. Saed had done was accurate, correct?</p> <p>16 MR. BALZANO: Object to form. And I would</p> <p>17 like you to maybe show the witness where in his</p> <p>18 report.</p> <p>19 MR. LAPINSKI: Sure. Sure.</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. If you look at the bottom of -- if you</p> <p>22 look at the bottom of page 9, it says, contrary</p> <p>23 to -- this is after the sentence related to</p> <p>24 epidemiologic studies.</p> <p>25 It says:</p>	<p style="text-align: right;">Page 165</p> <p>1 over are criticisms that were also shared by peer</p> <p>2 reviewers who commented on Dr. Saed's manuscript,</p> <p>3 correct?</p> <p>4 MR. BALZANO: Object to form. And if --</p> <p>5 Dr. Boyd, if you want to look at the specific</p> <p>6 peer review criticisms, you can.</p> <p>7 THE WITNESS: I'll just say that many of</p> <p>8 them were. I can't sit here today, without</p> <p>9 reading all of the material carefully, and say</p> <p>10 that every one of my criticisms were shared,</p> <p>11 but I think most of them, in addition to some</p> <p>12 additional criticisms, were shared, yes.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. The additional criticisms that you just</p> <p>15 referred to, can you point me in your report, the</p> <p>16 first part of your report as it relates to the</p> <p>17 poster, any criticisms that are different or apart</p> <p>18 from criticisms that were shared by peer reviewers?</p> <p>19 A. No, because I'm referencing my own</p> <p>20 citings.</p> <p>21 (Clarification by the Reporter.)</p> <p>22 THE WITNESS: I said, no, because I'm</p> <p>23 citing to my own statements so there would be</p> <p>24 no additional citations or references in this</p> <p>25 expert report. I'm just, by memory, recalling</p>

<p style="text-align: right;">Page 166</p> <p>1 the substance of the peer review reports that I</p> <p>2 remember reading.</p> <p>3 MR. BALZANO: So are you asking if he has</p> <p>4 additional or if the peer review commenters had</p> <p>5 additional criticisms? You're asking if in his</p> <p>6 report he has additional?</p> <p>7 MR. LAPINSKI: He answered my question.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. In the 2021 poster that Dr. Saed had</p> <p>10 published or presented --</p> <p>11 (Boyd Exhibit 15 was received and marked</p> <p>12 for identification, as of this date.)</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Dr. Boyd, you've been handed Exhibit 15.</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And this is a poster that was</p> <p>17 presented at SRI in Boston, Massachusetts in July of</p> <p>18 2021.</p> <p>19 Is this the poster that you're referring</p> <p>20 to in Section 2 of your report on page 10?</p> <p>21 A. Yes.</p> <p>22 Q. And this poster reports on the 2021 study</p> <p>23 which purports to supplement the 2020 study</p> <p>24 discussed involving -- strike that.</p> <p>25 In your -- in the second paragraph under</p>	<p style="text-align: right;">Page 168</p> <p>1 What I'm going to do is come back to that</p> <p>2 because I've got limited time, and I want to</p> <p>3 make sure --</p> <p>4 MS. DAVIDSON: Got it.</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. Dr. Boyd, as it relates to this July 2021</p> <p>7 poster, Dr. Saed's work was again then reviewed by a</p> <p>8 committee to determine whether the poster was worthy</p> <p>9 of being presented at this meeting, correct?</p> <p>10 MR. BALZANO: Objection.</p> <p>11 MS. DAVIDSON: Yeah. That was really</p> <p>12 fast, I couldn't even process it.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Dr. Boyd, in regard to the 2021 SRI</p> <p>15 poster, Dr. Saed's work would have again been</p> <p>16 reviewed by a committee to determine whether or not</p> <p>17 the poster was worthy of being presented at the</p> <p>18 meeting; is that correct?</p> <p>19 MR. BALZANO: Object to form.</p> <p>20 THE WITNESS: Not necessarily. I'm not a</p> <p>21 member of the Society for Reproductive</p> <p>22 Investigation and so I'm not familiar with</p> <p>23 procedures and protocols for evaluating</p> <p>24 submissions to their annual meeting.</p> <p>25</p>
<p style="text-align: right;">Page 167</p> <p>1 Section 2 talking about this poster, you state "this</p> <p>2 poster reports on a 2021 study, which purports to</p> <p>3 supplement the 2020 study discussed above by</p> <p>4 incorporating those experiments and adding a</p> <p>5 'assessment of p53 and Ki67 expression with</p> <p>6 immunohistochemistry.'"</p> <p>7 Did I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. Now the assessment of p53 and the Ki67</p> <p>10 expression, that was a criticism of one of the peer</p> <p>11 reviewers, correct, that Dr. Saed had not done that</p> <p>12 in his original poster?</p> <p>13 MR. BALZANO: Objection. Lacks</p> <p>14 foundation.</p> <p>15 Dr. Boyd, you can look at the peer review</p> <p>16 comments if you want.</p> <p>17 THE WITNESS: No. I don't think that's</p> <p>18 the essence of the peer review at all. I think</p> <p>19 the peer review was criticizing the conclusions</p> <p>20 drawn from the experiments, not that they were</p> <p>21 or were not included.</p> <p>22 MS. DAVIDSON: Do you have the peer review</p> <p>23 comments?</p> <p>24 MR. LAPINSKI: I do have the peer review</p> <p>25 comments.</p>	<p style="text-align: right;">Page 169</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. So you don't know whether or not</p> <p>3 Dr. Saed's SRI poster was peer reviewed?</p> <p>4 A. No.</p> <p>5 Q. And your opinions as it relates to this</p> <p>6 poster, in addition to carrying over the opinions</p> <p>7 from the 2020 work, I'm not trying to say that these</p> <p>8 are exclusive of the opinions you previously shared.</p> <p>9 But on page 11, the bottom of page 11 going into</p> <p>10 page 12 says:</p> <p>11 "As to IHC analysis, it does not make</p> <p>12 scientific or logical sense to assert that</p> <p>13 IHC-demonstrated changes in expression of two</p> <p>14 proteins, Ki67 and p53, as documented by</p> <p>15 photographs, are evidence of conversion of normal</p> <p>16 cells to cancerous cells."</p> <p>17 You see that?</p> <p>18 A. Yes.</p> <p>19 Q. And that's a criticism that was, again,</p> <p>20 stated by one of the peer reviewers, correct?</p> <p>21 MR. BALZANO: Object to form. And again,</p> <p>22 if you want to look at --</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. You can look at -- you can look at</p> <p>25 footnote 54. And footnote 54, Dr. Boyd, you</p>

<p style="text-align: right;">Page 170</p> <p>1 reference a reviewer, explaining that:</p> <p>2 "The use of IHC to determine p53 mutation</p> <p>3 status is not very sensitive."</p> <p>4 And "Needs to be confirmed with</p> <p>5 sequencing."</p> <p>6 Do you see that?</p> <p>7 MR. BALZANO: Dr. Boyd, if you want to</p> <p>8 look at the full context of that, you can</p> <p>9 request to see that full comment.</p> <p>10 THE WITNESS: No, I'm fine.</p> <p>11 I see it.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. Okay. And that's -- so again, your</p> <p>14 criticism in regard to the IHC-demonstrated changes</p> <p>15 are a criticism that is also a peer reviewer</p> <p>16 criticism?</p> <p>17 MR. BALZANO: Object to form.</p> <p>18 THE WITNESS: Oh, apparently, yes.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. And you also have criticisms as it relates</p> <p>21 to p53 expression in the results. It says:</p> <p>22 "It has been well-known for decades that</p> <p>23 nuclear expression of p53 tumor suppressor protein</p> <p>24 as assessed by IHC staining of cells is not a</p> <p>25 function of the half-life of the p53 protein. The</p>	<p style="text-align: right;">Page 172</p> <p>1 A. No, not correct.</p> <p>2 There's a body of literature going back 30</p> <p>3 or 40 years that reflects my comments that the</p> <p>4 half-life of the p53 protein and IHC staining are</p> <p>5 unrelated to the p53 mutation.</p> <p>6 Q. And is that cited to here in this</p> <p>7 paragraph?</p> <p>8 MR. BALZANO: Object to form. Document</p> <p>9 speakers for itself.</p> <p>10 MR. LAPINSKI: Okay. I'll rephrase the</p> <p>11 question.</p> <p>12 BY MR. LAPINSKI:</p> <p>13 Q. Did you cite to those scientific treatises</p> <p>14 in this paragraph?</p> <p>15 MR. BALZANO: Object to form.</p> <p>16 THE WITNESS: No. I chose not to cite to</p> <p>17 decades of research and what is common</p> <p>18 knowledge in the cancer research community.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. Did you include citation to that</p> <p>21 scientific literature in your materials considered</p> <p>22 list?</p> <p>23 A. No. Again, I didn't feel citations were</p> <p>24 necessary since it's common knowledge in the cancer</p> <p>25 research community and has been, again, for decades.</p>
<p style="text-align: right;">Page 171</p> <p>1 half-life of p53 protein is typically quite short</p> <p>2 and thus undetectable by IHC staining."</p> <p>3 Did you see that?</p> <p>4 MR. BALZANO: I think you put a "not" in</p> <p>5 between "is" and "a function."</p> <p>6 THE WITNESS: You did.</p> <p>7 I was going to wait for him to finish.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. "Is a function of the half-life of the p53</p> <p>10 protein."</p> <p>11 A. Yes, I see it.</p> <p>12 And now you've read it correctly.</p> <p>13 Q. Okay. And you're, again, critical in that</p> <p>14 paragraph of Dr. Saed and his work, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Is there any research that you did as it</p> <p>17 relates to that particular criticism?</p> <p>18 MR. BALZANO: Object to form. Vague.</p> <p>19 THE WITNESS: Yes, I've looked at p53</p> <p>20 expressions.</p> <p>21 BY MR. LAPINSKI:</p> <p>22 Q. Okay. There's no citation here, though,</p> <p>23 to any article or treatise or scientific information</p> <p>24 that you relied upon as it relates to that</p> <p>25 criticism, correct?</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. In the next paragraph, you talk about --</p> <p>2 I'll read the beginning of it:</p> <p>3 "Second, the authors state that 'talcum</p> <p>4 powder treatment increased the proliferation index</p> <p>5 in both cell lines' from respective baselines of 50</p> <p>6 and 70 percent to 90 percent, but do not describe</p> <p>7 the statistical analysis used to conclude that PI</p> <p>8 increased to 90 percent."</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. And so you were critical because it's</p> <p>12 unclear of how a 90 percent PI increase was</p> <p>13 calculated based on binary categories, correct?</p> <p>14 A. Yes. He and his colleagues simply</p> <p>15 classified the Ki67 expression as being high or low,</p> <p>16 and so it's impossible for me to understand how they</p> <p>17 came up with a number of 50 and 70 percent to</p> <p>18 90 percent when they're using binary categories for</p> <p>19 assessing expressions.</p> <p>20 Q. And right after that, you state:</p> <p>21 "It's unclear how a 90 percent PI increase</p> <p>22 was calculated based on these binary categories, as</p> <p>23 a peer reviewer explained"?</p> <p>24 A. Yes. That's what I just said prior to</p> <p>25 your question.</p>

<p style="text-align: right;">Page 174</p> <p>1 Q. Okay. So you're relying upon the peer 2 reviewer for your position as it relates to the PI 3 increase?</p> <p>4 MR. BALZANO: Object to form.</p> <p>5 THE WITNESS: No, not at all. I reviewed 6 this poster long before I ever saw peer 7 reviewers' comments, which would have only come 8 out after the paper had been submitted for 9 publication.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. And did you -- did you cite in your report 12 in this paragraph any scientific literature that 13 supports your position?</p> <p>14 MR. BALZANO: Object to form. The report 15 speaks for itself.</p> <p>16 MR. LAPINSKI: I'm not asking what the 17 report says. I'm asking what he did. So your 18 objection is noted.</p> <p>19 But go ahead, you can answer, Doctor.</p> <p>20 THE WITNESS: No. I don't believe it's 21 necessary to cite to common sense. This was a 22 binary classification that was then converted 23 into some kind of percentage increase, which is 24 impossible to do in my mind. So I didn't feel 25 the need to cite to something that's impossible</p>	<p style="text-align: right;">Page 176</p> <p>1 article authored by Harper, Dr. Saed and others as 2 it relates to malignant transformation?</p> <p>3 A. Is that a question?</p> <p>4 Q. Yes. Is this the article?</p> <p>5 A. It's an article, yes.</p> <p>6 Q. Okay.</p> <p>7 A. It's a published paper, yes.</p> <p>8 Q. Is this the published paper that you're 9 referring to on page 14 of your report?</p> <p>10 A. Yes.</p> <p>11 Q. As it relates to this publication of the 12 work that was done for this publication, did you try 13 to reproduce the work that was done by Dr. Saed?</p> <p>14 MR. BALZANO: Object to form.</p> <p>15 THE WITNESS: No.</p> <p>16 BY MR. LAPINSKI:</p> <p>17 Q. Have you tried to test the effect of talc 18 on ovarian cancer cells in vitro?</p> <p>19 MR. BALZANO: Object to form.</p> <p>20 THE WITNESS: No. I think I stated at the 21 beginning of this deposition that I've never 22 performed work on talc and ovarian cancer or in 23 any other context.</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. Not did any testing to determine if talc</p>
<p style="text-align: right;">Page 175</p> <p>1 to accomplish.</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. So this paragraph doesn't require any 4 level of expertise? This is just a commonsense 5 paragraph?</p> <p>6 MR. BALZANO: Object to form.</p> <p>7 MS. DAVIDSON: That mischaracterizes his 8 testimony.</p> <p>9 MR. LAPINSKI: I'm asking him a question.</p> <p>10 MS. DAVIDSON: Can you make that 11 objection, please.</p> <p>12 MR. BALZANO: Objection. Mischaracterizes 13 testimony.</p> <p>14 THE WITNESS: It's inconsistent with my 15 common sense as a longtime biological 16 scientist.</p> <p>17 MR. LAPINSKI: Let's go off the record for 18 five minutes.</p> <p>19 (At 2:09 p.m. a recess was taken.)</p> <p>20 (At 2:11 p.m. the deposition resumes.)</p> <p>21 (Boyd Exhibit 16 was received and marked 22 for identification, as of this date.)</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. Dr. Boyd, you've been handed what's been 25 marked as Exhibit 16, and is Exhibit 16 the journal</p>	<p style="text-align: right;">Page 177</p> <p>1 elicits an inflammatory response?</p> <p>2 A. I'm sorry. I would give you the same 3 answer. I've never experimented with talc in any 4 context in my career.</p> <p>5 Q. Are you aware of studies showing the 6 presence of asbestos in Johnson's Baby Powder?</p> <p>7 MR. BALZANO: Object to form. It lacks 8 foundation.</p> <p>9 MS. DAVIDSON: Wait a minute.</p> <p>10 THE WITNESS: I'm vaguely aware of a press 11 release reporting that a lot of Johnson's Baby 12 Powder was found to have trace amounts of 13 asbestos at some point in the past.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. Are you aware of any testing that showed 16 the presence of asbestos in Johnson's Baby Powder?</p> <p>17 MR. BALZANO: Object to form. Vague. 18 Lacks foundation.</p> <p>19 MS. DAVIDSON: Asked and answered.</p> <p>20 MR. LAPINSKI: It's different question.</p> <p>21 THE WITNESS: To the best of my knowledge, 22 Johnson & Johnson, based on the one report that 23 I remember from several years ago, states that 24 they routinely test their product for the 25 presence of asbestos and extremely small</p>

<p style="text-align: right;">Page 178</p> <p>1 amounts of asbestos were found in one lot of</p> <p>2 Johnson's Baby Powder, but not in others,</p> <p>3 before or -- or before that time either.</p> <p>4 BY MR. LAPINSKI:</p> <p>5 Q. In developing your opinions for this</p> <p>6 litigation, did you look at the role that asbestos</p> <p>7 may have in ovarian cancer?</p> <p>8 MR. BALZANO: Object to form.</p> <p>9 THE WITNESS: I read the --</p> <p>10 MS. DAVIDSON: All right. Hold on, hold</p> <p>11 on, hold on, hold on. Since 2019?</p> <p>12 MR. LAPINSKI: Sure.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Since 2019, in developing your opinions</p> <p>15 for your supplemental report, did you look at the</p> <p>16 role that asbestos may have played -- may have on --</p> <p>17 strike that. Start again.</p> <p>18 In 2019 -- since 2019, in developing your</p> <p>19 opinions for this litigation, have you looked at the</p> <p>20 role that asbestos may have on ovarian cancer?</p> <p>21 A. Only in the sense that I've skimmed the</p> <p>22 2012 IARC monograph on asbestos and cancer.</p> <p>23 Q. Are you aware of any constituents that are</p> <p>24 contained in Johnson's Baby Powder other than talc?</p> <p>25 MR. BALZANO: Object to form. Vague.</p>	<p style="text-align: right;">Page 180</p> <p>1 MR. BALZANO: Object to form.</p> <p>2 THE WITNESS: I honestly don't know.</p> <p>3 BY MR. LAPINSKI:</p> <p>4 Q. I'm sorry. You say you don't know?</p> <p>5 MS. DAVIDSON: Hold on.</p> <p>6 MR. BALZANO: I think these are very vague</p> <p>7 questions.</p> <p>8 BY MR. LAPINSKI:</p> <p>9 Q. In -- you're a cell biologist, correct?</p> <p>10 A. Partially, yes.</p> <p>11 Q. Your career has been focused on studying</p> <p>12 ovarian cancer and different forms of cancer?</p> <p>13 A. Yes.</p> <p>14 Q. Based upon your professional experience</p> <p>15 and as you sit here today as an expert witness, do</p> <p>16 you believe nickel is a carcinogen?</p> <p>17 MS. DAVIDSON: Of ovarian cancer or you</p> <p>18 asking carcinogen?</p> <p>19 MR. LAPINSKI: I'm asking whether it's a</p> <p>20 carcinogen.</p> <p>21 MR. BALZANO: Object to form. Vague.</p> <p>22 THE WITNESS: And I would have to reply,</p> <p>23 depends on the context.</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. How about chromium-6?</p>
<p style="text-align: right;">Page 179</p> <p>1 THE WITNESS: No.</p> <p>2 BY MR. LAPINSKI:</p> <p>3 Q. Did you do any research to determine</p> <p>4 whether there are any constituents in Johnson's Baby</p> <p>5 Powder other than talc?</p> <p>6 MR. BALZANO: Object to form. And should</p> <p>7 be since 2019.</p> <p>8 THE WITNESS: Any research personally?</p> <p>9 Like --</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. Yes.</p> <p>12 MS. DAVIDSON: Not at this point. This</p> <p>13 question has to be rephrased.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. Since 2019, have you done any research to</p> <p>16 determine whether there are other constituents in</p> <p>17 Johnson's Baby Powder?</p> <p>18 MR. BALZANO: Object to form, vague.</p> <p>19 THE WITNESS: Any literature research?</p> <p>20 BY MR. LAPINSKI:</p> <p>21 Q. Any type of research?</p> <p>22 A. No.</p> <p>23 Q. Is arsenic a carcinogen?</p> <p>24 A. To the best of my knowledge, yes.</p> <p>25 Q. Is nickel a carcinogen?</p>	<p style="text-align: right;">Page 181</p> <p>1 MR. BALZANO: Object to form. Vague.</p> <p>2 MS. DAVIDSON: I think he's an expert on</p> <p>3 ovarian cancer, if you want to ask him about --</p> <p>4 also, wait a minute. These are precisely the</p> <p>5 types of questions that our experts --</p> <p>6 MR. LAPINSKI: Hang on one second.</p> <p>7 Go off the record.</p> <p>8 MS. DAVIDSON: No. You can't ask these</p> <p>9 questions.</p> <p>10 MR. LAPINSKI: I just asked if --</p> <p>11 MS. DAVIDSON: I know, but they're not</p> <p>12 okay. They could have been asked --</p> <p>13 MR. LAPINSKI: Anthony --</p> <p>14 MS. DAVIDSON: Anthony.</p> <p>15 Right. Anthony can handle it.</p> <p>16 MR. LAPINSKI: Anthony, tell me on the</p> <p>17 record why. State your objection, and then</p> <p>18 we'll go from there.</p> <p>19 MR. BALZANO: I think it's outside the</p> <p>20 scope. If we're going -- if you're going to</p> <p>21 ask questions, you need to ask, did you form</p> <p>22 any opinions on this since 2019.</p> <p>23 MR. LAPINSKI: Okay.</p> <p>24 BY MR. LAPINSKI:</p> <p>25 Q. Dr. Boyd, since 2019 have you formed any</p>

<p style="text-align: right;">Page 182</p> <p>1 opinion as to whether or not chromium-6 is a 2 carcinogen? 3 MR. BALZANO: Objection to form, vague. 4 Lacks foundation too. 5 THE WITNESS: No. 6 BY MR. LAPINSKI: 7 Q. Okay. Dr. Boyd since 2019, have you 8 formed any opinion as to whether or not nickel is a 9 carcinogen? 10 A. No. 11 MR. LAPINSKI: Mark that as 17. 12 (Boyd Exhibit 17 was received and marked 13 for identification, as of this date.) 14 BY MR. LAPINSKI: 15 Q. Dr. Boyd, you've been handed a document 16 that's been marked as Exhibit 17. This is the 17 Amended Rule 26 Expert Report of Dr. Levy. 18 And this is a report that you've reviewed 19 and provided opinions on, starting on page 22 of 20 your report, correct? 21 MR. LAPINSKI: Let's go off the record for 22 a second. 23 (A discussion was held off the record.) 24 MR. LAPINSKI: Back on the record? 25</p>	<p style="text-align: right;">Page 184</p> <p>1 have the CV in front of you? 2 THE WITNESS: No. 3 MS. DAVIDSON: Why you don't put the CV in 4 front of him? Then he'll be aware. 5 MR. LAPINSKI: Because I don't have it 6 printed out. 7 MS. DAVIDSON: You can't expect someone to 8 memorize someone's CV. 9 MR. LAPINSKI: I'm asking him whether he's 10 aware. 11 MS. DAVIDSON: Do you ask to print it out? 12 I don't think it's fair to ask him questions 13 about the whole CV. If you want, we can go off 14 the record and we get it printed. 15 MR. LAPINSKI: Okay. Let's go off the 16 record, and you can print it for me. 17 (At 2:20 p.m. a recess was taken.) 18 (At 2:21 p.m. the deposition resumes.) 19 MR. LAPINSKI: Okay. Back on the record. 20 BY MR. LAPINSKI: 21 Q. Dr. Boyd, you state in your report that 22 Dr. Levy's CV left you troubled to say the least, 23 correct? 24 A. Yes. 25 Q. And that opinion is based upon your review</p>
<p style="text-align: right;">Page 183</p> <p>1 2 (Boyd Exhibit 17 was received and marked 3 for identification, as of this date.) 4 5 BY MR. LAPINSKI: 6 Q. So, Dr. Boyd, you have in front of you 7 Exhibit 17, which is the Amended Rule 26 Expert 8 Report of Dr. Shawn Levy, correct? 9 A. Correct. 10 Q. Okay. And this report is a report you 11 have provided opinions on beginning on page 22 of 12 your report, correct? 13 A. Correct. 14 Q. Now, you state in your report that 15 Dr. Levy's CV left you troubled, to say the least; 16 is that correct? 17 A. Correct. 18 Q. Are you aware of the fact that Dr. Levy's 19 a Ph.D. in biochemistry? 20 A. At this moment, no, but I'll take your 21 word for it. 22 Q. Are you aware that Dr. Levy has a 23 postdoctorate fellowship in genetics at Emory 24 University? 25 MS. DAVIDSON: (To the witness.) Do you</p>	<p style="text-align: right;">Page 185</p> <p>1 of his CV? 2 A. Yes. 3 Q. Okay. And you state that of the 221 4 papers listed on his CV, he is first or last author 5 on only 14 of those papers, correct? 6 A. Correct. 7 Q. Okay. And that's part of -- that forms 8 part of the basis as to why you're troubled by his 9 CV? 10 A. Yes. 11 Q. Is it your opinion that Dr. Levy is not 12 qualified to render genetic opinions? 13 MR. BALZANO: Object to form. 14 THE WITNESS: It's my opinion that 15 Dr. Levy has never authored or coauthored a 16 paper on ovarian cancer, so I would call into 17 question his qualifications for rendering an 18 opinion on ovarian cancer. 19 BY MR. LAPINSKI: 20 Q. Are you familiar with who Dr. Saens is? 21 A. Pardon me? 22 Q. Saens, S-A-E-N-S. 23 A. Dr. Cheryl Saens? Yes. 24 Q. Are you aware that Dr. Saens is giving 25 general causation opinions in this case?</p>

<p style="text-align: right;">Page 186</p> <p>1 MR. BALZANO: Objection. Lacks 2 foundation, vague. 3 THE WITNESS: Yes. 4 BY MR. LAPINSKI: 5 Q. Are you aware that she's giving molecular 6 and genetic opinions in this case? 7 MR. BALZANO: Objection to form, vague. 8 MS. DAVIDSON: If you want, show him her 9 report. 10 MR. LAPINSKI: Just asking if he knows. 11 THE WITNESS: I honestly don't know since 12 I haven't read her expert report. 13 MS. DAVIDSON: Are you asking about her 14 post-2019 report? 15 MR. LAPINSKI: No, I'm asking her about 16 her report in general. 17 MS. DAVIDSON: This is not fair. This is 18 what they did to us. Every single question I 19 asked, if it wasn't post 2019, I was shut down. 20 I'm sorry. It's just "What's good for the 21 goose is good for the gander." 22 MR. LAPINSKI: I'm asking not about her 23 report. I'm asking about her qualifications. 24 I'm asking whether he's aware -- 25 MS. DAVIDSON: Then after 2019, was he</p>	<p style="text-align: right;">Page 188</p> <p>1 you're going to, for purposes of this 2 litigation, if you're going to rely only upon 3 what Dr. Saens has done since 2019, as far as 4 her qualifications, then I'll limit my 5 questions. 6 MR. BALZANO: No, we're not -- we're 7 not -- 8 MR. LAPINSKI: Hang on. I'm not done. 9 As long as you make that representation 10 I'm happy to do that. I'm not talking about 11 her opinions and I'm not talking about opinions 12 she shared pre 2019 or post 2019. 13 This is a question in regard to her 14 qualifications. 15 MR. BALZANO: Yeah, but it has nothing to 16 do with whether or not -- I'm not going to make 17 any representation that we're not going to rely 18 on Dr. Seans' opinions or reports before 2019. 19 But the point of it is that the scope of 20 this deposition should be limited to anything 21 that you couldn't have asked him after his 22 first deposition in 2019. You could have asked 23 him in 2019 these questions about Dr. Saens, 24 but you didn't. 25 MS. DAVIDSON: It's --</p>
<p style="text-align: right;">Page 187</p> <p>1 aware of Dr. Saens' qualifications? This was 2 done to me. It was painful. 3 BY MR. LAPINSKI: 4 Q. Are you aware of Dr. Saens' 5 qualifications? 6 MR. BALZANO: Object to form. 7 THE WITNESS: Yeah. She trained at my 8 lab, but I believe she's highly-qualified. 9 BY MR. LAPINSKI: 10 Q. Do you know how many papers she's been 11 first author on? 12 MR. BALZANO: I would object to the scope 13 of it. It should be limited to since 2019. 14 THE WITNESS: You mean first or first and 15 last? 16 BY MR. LAPINSKI: 17 Q. I started with first. 18 A. No, I'm not aware. 19 Q. Are you aware of how many papers she's 20 been the last author on? 21 MR. BALZANO: And would you rephrase the 22 question to include since 2019 since you 23 haven't asked that question? 24 MR. LAPINSKI: No. This has to do with 25 her qualifications. If you're going to -- if</p>	<p style="text-align: right;">Page 189</p> <p>1 MR. LAPINSKI: Okay. But I -- hang on one 2 second. 3 But I couldn't ask of those questions in 4 context of Dr. Boyd's 2024 report and what he 5 has to say about Dr. Levy. 6 MR. BALZANO: I think it's outside the 7 scope of the supplemental report. 8 MR. LAPINSKI: It's not outside the scope 9 of the supplemental report in that he's -- he's 10 asking -- he's making statements about the 11 qualifications of Dr. Levy as an expert. I'm 12 trying to understand the bases for his -- for 13 his opinions on the qualifications, and I'm 14 trying to put that into context with other 15 doctors who are serving as experts in this 16 litigation. 17 It's not outside the scope. There's 18 nothing wrong with the question I'm asking. It 19 doesn't have to be limited from 2019 to present 20 because it has to do with his 2024 report. 21 MR. BALZANO: Then I'll just restate that 22 I think it's outside the scope of his 23 supplemental report, and it's been happening a 24 lot this deposition. I'm not throwing any 25 shade. I'm just saying sometimes I didn't</p>

<p style="text-align: right;">Page 190</p> <p>1 catch it, but there has been plenty of times</p> <p>2 where the question should have been phrased,</p> <p>3 "since 2019," and they weren't.</p> <p>4 MR. LAPINSKI: All right.</p> <p>5 BY MR. LAPINSKI:</p> <p>6 Q. In your report, Dr. Boyd, on page 25 you</p> <p>7 state:</p> <p>8 "Given the many errors in his report, it's</p> <p>9 not surprising that the majority of Dr. Levy's</p> <p>10 conclusion are false, misleading, or both."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And then you have six different points</p> <p>14 that you bring up in regard to that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. The first one is: "Inflammation</p> <p>17 has been shown to play a vital role in epithelial</p> <p>18 ovarian cancer," correct?</p> <p>19 A. Yes. Yeah, the words are correct.</p> <p>20 Q. Okay. And your opinion is that there's</p> <p>21 absolutely no evidence that inflammation plays a</p> <p>22 vital role in epithelial ovarian, cancer?</p> <p>23 MR. BALZANO: Object to form.</p> <p>24 (To the witness.) I would ask that you</p> <p>25 just read what it says in that sentence, the</p>	<p style="text-align: right;">Page 192</p> <p>1 chronic information?</p> <p>2 MR. BALZANO: Object to form and vague.</p> <p>3 THE WITNESS: Insofar as I've done</p> <p>4 literature searches to search for papers that</p> <p>5 link with respect to keywords "ovarian cancer</p> <p>6 and inflammation." I've looked at many, many</p> <p>7 papers, and none of them have any bearing on my</p> <p>8 opinion regarding this case.</p> <p>9 BY MR. LAPINSKI:</p> <p>10 Q. We just talked about talcum powder.</p> <p>11 You're aware of the plaintiffs' claim that J&J's</p> <p>12 talcum powder products contain asbestos?</p> <p>13 MR. BALZANO: Object to form. Lacks</p> <p>14 foundation.</p> <p>15 THE WITNESS: I'm aware that plaintiffs</p> <p>16 claim -- could you repeat the question so I</p> <p>17 could repeat my answer?</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. Sure.</p> <p>20 The claim that Johnson & Johnson's talcum</p> <p>21 powder products contains asbestos --</p> <p>22 MR. BALZANO: I would object that it's</p> <p>23 outside the scope. This could have been asked</p> <p>24 in the 2019 deposition.</p> <p>25 I would ask that you somehow try to</p>
<p style="text-align: right;">Page 191</p> <p>1 next two sentences.</p> <p>2 THE WITNESS: My opinion is what follows</p> <p>3 this -- the quotation. "There is no evidence</p> <p>4 that inflammation is involved in the initiation</p> <p>5 or progression of ovarian cancer</p> <p>6 carcinogenesis," in my opinion.</p> <p>7 BY MR. LAPINSKI:</p> <p>8 Q. Do you agree that there's peer-reviewed</p> <p>9 literature that contradicts your opinion?</p> <p>10 MR. BALZANO: Object to form. Vague.</p> <p>11 Lacks foundation.</p> <p>12 THE WITNESS: I disagree that there's</p> <p>13 substantive literature that actually provides</p> <p>14 actual data that inflammation plays a role in</p> <p>15 epithelial ovarian cancer. There's a multitude</p> <p>16 of papers. Indeed, there's a cottage industry</p> <p>17 of publishing review articles and statements</p> <p>18 representing other papers that reference other</p> <p>19 papers, suggesting that inflammation plays a</p> <p>20 role in ovarian cancer, when, in my opinion,</p> <p>21 there's absolutely no solid scientific data to</p> <p>22 support such a claim.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. Have you reviewed any of the literature to</p> <p>25 the contrary as it relates to talcum powder and</p>	<p style="text-align: right;">Page 193</p> <p>1 rephrase that too.</p> <p>2 MR. LAPINSKI: Well, I could have asked it</p> <p>3 in 2019, but in 2019 he hadn't commented on</p> <p>4 Dr. Levy.</p> <p>5 So now I'm asking it now within the</p> <p>6 context of him criticizing Dr. Levy.</p> <p>7 MS. DAVIDSON: If you would like to keep</p> <p>8 it to his supplemental opinions or to some</p> <p>9 post 2019 development, that's fine.</p> <p>10 MR. LAPINSKI: That's -- this bullet</p> <p>11 number 2 is "Talcum powder products cause</p> <p>12 chronic inflammation."</p> <p>13 MS. DAVIDSON: Well, that's not his bullet</p> <p>14 number.</p> <p>15 MR. LAPINSKI: Well, it's -- "Given the</p> <p>16 many errors in his report, it's not surprising</p> <p>17 that the majority of Dr. Levy's conclusions are</p> <p>18 false, misleading, or both. Specifically,"</p> <p>19 number 2, "Talcum powder products cause</p> <p>20 inflammation."</p> <p>21 And I just finished asking questions about</p> <p>22 talcum powder and chronic inflammation, and now</p> <p>23 I just asked the question of whether or not he</p> <p>24 was aware that J&J -- that plaintiffs are</p> <p>25 claiming that J&J talcum powder products</p>

<p style="text-align: right;">Page 194</p> <p>1 contain asbestos.</p> <p>2 MS. DAVIDSON: That is not, in my opinion,</p> <p>3 related to --</p> <p>4 MR. LAPINSKI: No, you're not --</p> <p>5 MS. DAVIDSON: I'm sorry. But plaintiffs</p> <p>6 have been alleging that Johnson's Baby Powder</p> <p>7 has asbestos since this timing --</p> <p>8 MR. BALZANO: Before 2019 -- asbestos --</p> <p>9 MS. DAVIDSON: That has nothing to do with</p> <p>10 it. He does not address asbestos there, does</p> <p>11 he, Anthony?</p> <p>12 I'm sorry. I don't have it in front of</p> <p>13 me. That is quite a stretch that -- to say</p> <p>14 that somehow this brings asbestos within the</p> <p>15 scope of his opinions. It does not, and that</p> <p>16 question is improper.</p> <p>17 MR. LAPINSKI: Okay. Your objection is</p> <p>18 noted.</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. Doctor, you can answer the question.</p> <p>21 MS. DAVIDSON: Cool. That's --</p> <p>22 THE WITNESS: Are we on --</p> <p>23 MS. DAVIDSON: -- it works.</p> <p>24 THE WITNESS: Are we on number 2 now, in</p> <p>25 terms of this list of --</p>	<p style="text-align: right;">Page 196</p> <p>1 MR. LAPINSKI: I couldn't have asked that</p> <p>2 in 2019 because I'm asking now about the last</p> <p>3 five years.</p> <p>4 MS. DAVIDSON: If you are asking a</p> <p>5 question about what he's done since 2019,</p> <p>6 that's different. If you are asking about a</p> <p>7 question about literature he's reviewed since</p> <p>8 2019, that's different. But you cannot ask him</p> <p>9 a question about allegations relating to</p> <p>10 asbestos because that's been in this litigation</p> <p>11 since day one. And that is the same rules that</p> <p>12 your co-counsel imposed on me when I was taking</p> <p>13 depositions.</p> <p>14 MR. BALZANO: But it's still just a</p> <p>15 general question, but you're just trying to</p> <p>16 frame it in the supplemental report.</p> <p>17 MR. LAPINSKI: Correct. I'm framing it to</p> <p>18 the supplemental report. That's what I'm</p> <p>19 asking, since 2019. Because from 2019 until</p> <p>20 the present, in order for him to be able to</p> <p>21 render opinions in regard to Dr. Levy, I have</p> <p>22 to understand, since 2019, what he's basing</p> <p>23 those opinions on.</p> <p>24 Jessica, I would agree with what you were</p> <p>25 saying if Dr. Levy had rendered a report in</p>
<p style="text-align: right;">Page 195</p> <p>1 MR. BALZANO: I think the question of</p> <p>2 whether or not Johnson & Johnson's Baby Powder</p> <p>3 contains asbestos is outside the scope of this</p> <p>4 deposition.</p> <p>5 MS. DAVIDSON: Correct.</p> <p>6 MR. BALZANO: It could have been asked in</p> <p>7 2019, but there's certainly a plaintiffs'</p> <p>8 theory in 2019 when Dr. Boyd was the first</p> <p>9 deposed.</p> <p>10 BY MR. LAPINSKI:</p> <p>11 Q. Dr. Boyd, since 2019, have you been aware</p> <p>12 that plaintiffs claim that Johnson -- J&J's talcum</p> <p>13 powder products contain asbestos?</p> <p>14 THE WITNESS: Oh, have we moved away from</p> <p>15 the report?</p> <p>16 BY MR. LAPINSKI:</p> <p>17 Q. It's a question.</p> <p>18 Since 2019, have you been aware that</p> <p>19 plaintiffs claim that Johnson's Baby Powder products</p> <p>20 contain asbestos?</p> <p>21 MR. BALZANO: The question is -- I still</p> <p>22 object because it still is getting -- that</p> <p>23 question could have been asked. You're asking</p> <p>24 if, since 2019, has there been continued</p> <p>25 allegations --</p>	<p style="text-align: right;">Page 197</p> <p>1 2019 and Dr. Boyd had shared opinions in regard</p> <p>2 to Dr. Levy's report in 2019. But that's not</p> <p>3 the situation that we're in.</p> <p>4 He's providing opinions on a report that</p> <p>5 was submitted in 2023. He's criticizing a work</p> <p>6 that was done by the expert.</p> <p>7 MS. DAVIDSON: If there is language -- so</p> <p>8 here's the deal. If there is something in</p> <p>9 Dr. Levy's report from 2023 that Dr. Boyd is</p> <p>10 addressing for the first time in 2023, and</p> <p>11 there is language in here that you want to</p> <p>12 point him to, then I think that that is</p> <p>13 legitimate.</p> <p>14 MR. LAPINSKI: Here's what I'm going to</p> <p>15 do. Instead of just arguing for the point of</p> <p>16 arguing, I'll just ask a different question,</p> <p>17 okay?</p> <p>18 MS. DAVIDSON: I'm really not trying to be</p> <p>19 overly difficult. I was constrained in this</p> <p>20 way, and I found it frustrating as hell.</p> <p>21 MR. LAPINSKI: Jessica, sometimes you</p> <p>22 don't have to try. You can just be difficult.</p> <p>23 BY MR. LAPINSKI:</p> <p>24 Q. Dr. Boyd, would you agree that not all</p> <p>25 women with BRCA1 or BRCA2 develop ovarian cancer?</p>

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1 MR. BALZANO: Objection outside the scope.
 2 I mean, these are just general questions.
 3 MR. LAPINSKI: It's general question --
 4 it's general question related to Dr. Levy's
 5 opinion.
 6 MR. BALZANO: In which that's point 3.
 7 Which point would that relate to?
 8 MR. LAPINSKI: Well, point 5 is
 9 "Internalization of asbestiform fibers," --
 10 MR. BALZANO: Right. Sorry.
 11 MR. LAPINSKI: -- "including asbestos and
 12 fibrous talc, causes DNA damage, which provides
 13 a biologically plausible mechanism for
 14 carcinogenicity of talcum powder products."
 15 That was one of Dr. Levy's statements.
 16 Dr. Levy made a statement about asbestos.
 17 Dr. Levy made a statement about talc, fibrous
 18 talc.
 19 Dr. Boyd, post 2019, has provided an
 20 opinion as it relates to that statement. He
 21 says:
 22 "This statement is misleading at best.
 23 Because there is no evidence that talcum powder
 24 causes DNA damage, the above statement is
 25 irrelevant to biological plausibility related

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1 to talcum powder and ovarian carcinogenesis."
 2 BY MR. LAPINSKI:
 3 Q. Now with number 5 in mind, Dr. Boyd, are
 4 you aware the plaintiffs have been claiming that
 5 there is asbestos in Johnson's Baby Powder?
 6 MR. BALZANO: Object, because I think
 7 that's where it goes too far. "Are you aware
 8 plaintiffs are alleging." I think you can ask
 9 about "Are you criticizing Dr. Levy's opinion
 10 here?"
 11 MR. LAPINSKI: Okay.
 12 BY MR. LAPINSKI:
 13 Q. Dr. Boyd, in criticizing Dr. Levy, did you
 14 take into consideration the presence of asbestos in
 15 defendants' baby powder?
 16 A. I'm not aware that there is asbestos in
 17 Johnson's Baby Powder.
 18 Q. In criticizing Dr. Levy, did you take into
 19 the presence of fibrous talc in defendants' baby
 20 powder?
 21 MR. BALZANO: Object to form, lacks
 22 foundation, vague.
 23 THE WITNESS: I'm not aware that there is
 24 fibrous talc in Johnson's Baby Powder.
 25

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1 BY MR. LAPINSKI:
 2 Q. If there were fibrous talc in Johnson's
 3 Baby Powder, would that change your opinion?
 4 MR. BALZANO: Object to form, vague.
 5 Lacks foundation.
 6 THE WITNESS: No. I base my opinion on
 7 whatever is in the bottle labeled "Johnson's
 8 Baby Powder."
 9 BY MR. LAPINSKI:
 10 Q. Okay. If there was asbestos in Johnson's
 11 Baby Powder, would that change your opinion?
 12 MR. BALZANO: Object to form. It had been
 13 asked and answered. Vague.
 14 THE WITNESS: No. I base my opinion on
 15 whatever is in the bottle that is labeled
 16 "Johnson's Baby Powder."
 17 BY MR. LAPINSKI:
 18 Q. You base your opinion on what's in the
 19 bottle or what it says on the label?
 20 MR. BALZANO: Object to form, vague. I
 21 mean --
 22 THE WITNESS: I don't distinguish the two.
 23 BY MR. LAPINSKI:
 24 Q. By not distinguishing the two, what you're
 25 saying is, what it says on the bottle of Johnson's

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1 Baby Powder, that's what's contained in the bottle?
 2 MR. BALZANO: Object. Mischaracterizes.
 3 MR. LAPINSKI: I'm trying to get
 4 clarification. I'm not trying to
 5 mischaracterize. I'm trying to get
 6 clarification as to what he means.
 7 MS. DAVIDSON: Why don't you explain what
 8 you meant by that.
 9 Why don't explain to him what you meant by
 10 your statement so we can move on.
 11 THE WITNESS: My opinion is that a bottle
 12 that says Johnson's Baby Powder -- Johnson &
 13 Johnson's Baby Powder contains Johnson &
 14 Johnson's Baby Powder.
 15 BY MR. LAPINSKI:
 16 Q. And if the ingredients say only talcum
 17 powder, then you're going on the assumption that
 18 there's only talcum powder contained in that bottle?
 19 MR. BALZANO: Object to form.
 20 THE WITNESS: I'm not aware of the
 21 ingredients that are listed on the bottle, but
 22 if it says "talcum powder," then I'm going on
 23 that assumption, yes.
 24 BY MR. LAPINSKI:
 25 Q. Your sixth statement in regard to Dr. Levy

<p style="text-align: right;">Page 202</p> <p>1 says:</p> <p>2 "Women with inherited gene mutations in</p> <p>3 genes involved in DNA repair, such as BRCA1 or</p> <p>4 BRCA2, are more susceptible to the effect of</p> <p>5 carcinogens than women without inherited gene</p> <p>6 mutations."</p> <p>7 Other than me leaving out the sic</p> <p>8 reference, did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 MS. DAVIDSON: I just want to make</p> <p>11 something clear. You're reading statements as</p> <p>12 though he said them, and I think it's important</p> <p>13 to hear that these are statements he's</p> <p>14 disagreeing with.</p> <p>15 MR. BALZANO: I just read a statement and</p> <p>16 asked question whether it is correct.</p> <p>17 My next question is going to be reading</p> <p>18 what he says next.</p> <p>19 MS. DAVIDSON: But you're reading these</p> <p>20 statements out of context.</p> <p>21 MR. LAPINSKI: Jessica, I'm not --</p> <p>22 MS. DAVIDSON: These are statements that</p> <p>23 he says he's quoting.</p> <p>24 MR. LAPINSKI: Jessica --</p> <p>25 Anthony, what do you have to say about it?</p>	<p style="text-align: right;">Page 204</p> <p>1 question. Your objection is noted.</p> <p>2 MS. DAVIDSON: No.</p> <p>3 MR. BALZANO: Yeah, no, you did ask the</p> <p>4 question. I think I will only, and I think</p> <p>5 it's such a helpful add, is that you quote</p> <p>6 Dr. Levy when you write.</p> <p>7 Just so that's in the question.</p> <p>8 THE WITNESS: Like you are quoting</p> <p>9 Dr. Levy, and then --</p> <p>10 MS. DAVIDSON: The way you're asking the</p> <p>11 question is misleading.</p> <p>12 MR. LAPINSKI: I understand how I'm asking</p> <p>13 the question. I don't think it's misleading.</p> <p>14 BY MR. LAPINSKI:</p> <p>15 Q. Did I read that correctly, Dr. Boyd?</p> <p>16 A. You read Dr. Levy's statement, correct,</p> <p>17 yes.</p> <p>18 Q. So the next thing that it says is that you</p> <p>19 believe that statement is misleading, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you agree that not all women with BRCA1</p> <p>22 develop ovarian cancer?</p> <p>23 MR. BALZANO: I would object, again. This</p> <p>24 is, again, outside the scope.</p> <p>25 MR. LAPINSKI: How is it outside the scope</p>
<p style="text-align: right;">Page 203</p> <p>1 MS. DAVIDSON: It's misleading.</p> <p>2 MR. LAPINSKI: If you need to go off the</p> <p>3 record and confer with Jessica, we can go off</p> <p>4 the record.</p> <p>5 Otherwise, state your objection, Jessica.</p> <p>6 Enough, okay?</p> <p>7 MR. BALZANO: It needs to be clear that</p> <p>8 you read that correctly. It's not that he</p> <p>9 agrees with the statement you said. It was</p> <p>10 read --</p> <p>11 MR. LAPINSKI: That's what I asked.</p> <p>12 MR. BALZANO: That's the statement was</p> <p>13 asked, but it's criticizing Levy. It's from</p> <p>14 Levy.</p> <p>15 MR. LAPINSKI: Listen.</p> <p>16 BY MR. LAPINSKI:</p> <p>17 Q. Dr. Boyd, page 26 of your report, number 6</p> <p>18 of your criticisms of Dr. Levy state:</p> <p>19 "Women with inherited gene mutations in</p> <p>20 genes involved DNA repair, such as BRCA1 or BRCA2,</p> <p>21 are more as susceptible to the effect of carcinogens</p> <p>22 than women without inherited gene mutations."</p> <p>23 Doctor, did I read that correctly?</p> <p>24 MR. BALZANO: I would just object --</p> <p>25 MR. LAPINSKI: Anthony, just let me ask my</p>	<p style="text-align: right;">Page 205</p> <p>1 when Dr. Levy talks about BRCA1 and BRCA2 in</p> <p>2 his 2024 report. And in Dr. Boyd's 2024</p> <p>3 report, he also talks about BRCA1 and BRCA2?</p> <p>4 How could a question about BRCA1 then be</p> <p>5 out outside the scope? You're just being</p> <p>6 obstructive now. This is getting a little</p> <p>7 ridiculous.</p> <p>8 MR. BALZANO: No, I'm not. I mean -- so I</p> <p>9 take -- I mean, it's because --</p> <p>10 The first question is fine. The first</p> <p>11 question is, this is criticizing Dr. Levy.</p> <p>12 And you're asking, Dr. Levy says that, you</p> <p>13 think that's misleading, right?</p> <p>14 But then you're going on to ask general</p> <p>15 questions about BRCA that should have been</p> <p>16 asked in 2019.</p> <p>17 MR. LAPINSKI: How can I ask them in 2019</p> <p>18 if I didn't know what his opinion in 2024 was</p> <p>19 going to be? That's absurd.</p> <p>20 Jessica, I have the right to be able to</p> <p>21 ask questions that lay a foundation, okay?</p> <p>22 If he said something about BRCA1 and BRCA2</p> <p>23 in 2019 report, which I don't necessarily agree</p> <p>24 that he did, I still have the right to be able</p> <p>25 to ask a question to lay the foundation for his</p>

<p style="text-align: right;">Page 206</p> <p>1 2024 opinions.</p> <p>2 The position that you're taking on this is</p> <p>3 out there.</p> <p>4 MR. BALZANO: On page 2 of his 2019</p> <p>5 report, he says:</p> <p>6 "Among the few accepted significant risk</p> <p>7 factors for ovarian cancer," then he talks</p> <p>8 about BRCA1 and BRCA2.</p> <p>9 MR. LAPINSKI: Okay. So he talked about</p> <p>10 BRCA1 and BRCA2.</p> <p>11 BY MR. LAPINSKI:</p> <p>12 Q. And now within the context of what</p> <p>13 Dr. Levy said, I want to understand, since 2019,</p> <p>14 Dr. Boyd, would you agree that not all women with</p> <p>15 BRCA1 develop ovarian cancer?</p> <p>16 A. Yes. The penetrance of BRCA1 or BRCA2 is</p> <p>17 not 100 percent in any woman with breast or ovarian</p> <p>18 cancer.</p> <p>19 Q. Would you also agree that women with Lynch</p> <p>20 syndrome do not develop -- all women with Lynch</p> <p>21 syndrome do not develop ovarian cancer?</p> <p>22 MR. BALZANO: I would object again. So</p> <p>23 this is outside the scope. Could have been</p> <p>24 asked in his 2019 deposition. These are</p> <p>25 general questions.</p>	<p style="text-align: right;">Page 208</p> <p>1 "Women with inherited gene mutations, such</p> <p>2 as BRCA1 and BRCA2, are more susceptible to the</p> <p>3 effect of carcinogens."</p> <p>4 And I completely disagree with that</p> <p>5 statement.</p> <p>6 BY MR. LAPINSKI:</p> <p>7 Q. Is part of your opinion based upon a</p> <p>8 belief that women with inherited mutations are not</p> <p>9 susceptible to other carcinogens?</p> <p>10 MR. BALZANO: Object to form, vague.</p> <p>11 THE WITNESS: That's not the statement I'm</p> <p>12 disagreeing. It is number 6.</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. I'm not asking you about a statement that</p> <p>15 you're agreeing or disagreeing with. I'm asking you</p> <p>16 whether or not the basis of your opinion, part of</p> <p>17 the basis of your opinion and criticism is based</p> <p>18 upon the fact that women with inherited mutations</p> <p>19 are not susceptible to other carcinogens?</p> <p>20 MR. BALZANO: Object to form. So it's</p> <p>21 related to the critics of criticism 6?</p> <p>22 MR. LAPINSKI: Correct.</p> <p>23 MR. BALZANO: Okay. I think it was asked</p> <p>24 and answered already, but...</p> <p>25 THE WITNESS: It's a very difficult</p>
<p style="text-align: right;">Page 207</p> <p>1 BY MR. LAPINSKI:</p> <p>2 Q. Dr. Boyd, since 2019, would you agree that</p> <p>3 not all women with Lynch syndrome develop ovarian</p> <p>4 cancer?</p> <p>5 A. Well, you don't have the syndrome until</p> <p>6 you have cancer, but I would suggest that the four</p> <p>7 genes responsible for Lynch syndrome are now a</p> <p>8 100 percent penetrant for ovarian cancer.</p> <p>9 Q. Is it your opinion that women with</p> <p>10 inherited mutations are not susceptible to other</p> <p>11 carcinogens?</p> <p>12 MR. BALZANO: I mean, I object to that. I</p> <p>13 mean, that's totally -- I mean, his whole --</p> <p>14 his entire first report, it's all about</p> <p>15 genetics. You could have totally asked --</p> <p>16 these are general questions. These are not</p> <p>17 questions limited to --</p> <p>18 BY MR. LAPINSKI:</p> <p>19 Q. Dr. Boyd, as it relates to your criticism</p> <p>20 of Dr. Levy, is it your opinion that women with</p> <p>21 inherited mutations are not susceptible to other</p> <p>22 carcinogens?</p> <p>23 MR. BALZANO: Object to form, vague.</p> <p>24 A. That's not my criticism in number 6. My</p> <p>25 criticism is that Dr. Levy says:</p>	<p style="text-align: right;">Page 209</p> <p>1 question to answer because it's too generally</p> <p>2 broad. All of us are susceptible to</p> <p>3 carcinogens under certain circumstances. If</p> <p>4 women with BRCA1 or BRCA2 mutations work in an</p> <p>5 asbestos mill, then they may be susceptible to</p> <p>6 mesothelioma, for example.</p> <p>7 MR. LAPINSKI: Go off the record for one</p> <p>8 minute.</p> <p>9 MS. DAVIDSON: You have one minute left on</p> <p>10 record.</p> <p>11 (At 2:45 p.m. a recess was taken.)</p> <p>12 (At 2:48 p.m. the deposition resumes.)</p> <p>13 BY MR. LAPINSKI:</p> <p>14 Q. Dr. Boyd, I'm going to ask you to look at</p> <p>15 Exhibit 18 first.</p> <p>16 (Boyd Exhibit 18 was received and marked</p> <p>17 for identification, as of this date.)</p> <p>18 THE WITNESS: (Witness complies.)</p> <p>19 BY MR. LAPINSKI:</p> <p>20 Q. And Exhibit 18 is an article that was</p> <p>21 published by Mandarinino entitled:</p> <p>22 "The effect of talc particles and</p> <p>23 phagocytes in co-culture with ovarian cancer cells,"</p> <p>24 is that correct?</p> <p>25 A. That's the title of the paper, correct.</p>

<p style="text-align: right;">Page 210</p> <p>1 Q. Okay. And the paper that you have in 2 front of you, which is Exhibit 18, is that the paper 3 that you opined on, on page 17 of your expert 4 report? 5 A. I'll assume that it is. 6 Q. I'd like you to give me a yes or no as 7 compared to an assumption. 8 A. Eighteen, in fact, is actually Henrietta. 9 Mandarino is on page 17. 10 Q. And on page 18 of your report, you cite to 11 an article by Emi, entitled "Transcriptomic and 12 epigenomic effects of insoluble particles on J774 13 macrophages." 14 Do you see that in your report on page 7 15 of Exhibit 18? 16 A. Yes. 17 Q. And the paper that you are opining on, on 18 page 18 from Emi, is that in front of you and has 19 been marked as Exhibit 17? 20 A. It's actually 18 -- no, I'm sorry. I'm -- 21 we're going back forth. 22 Emi is Exhibit 17, correct. 23 MR. LAPINSKI: Okay. 24 MR. BALZANO: I think we're at the 25 four hours, but we'll give a little leeway.</p>	<p style="text-align: right;">Page 212</p> <p>1 INDEX 2 Examination of: Page 3 Jeff Boyd, Ph.D. 4 5 CONTENTS 6 MR. LAPINSKI 5 7 8 EXHIBITS 9 (Retained by the court reporter) 10 DEPOSITION EXHIBIT PAGE 11 Exhibit 1 Amended Notice of Oral Deposition 8 12 Exhibit 2 Invoice 9 13 Exhibit 3 Invoice 10 14 Exhibit 4 Invoice 10 15 Exhibit 5 Dr. Boyd's CV 47 16 Exhibit 6 Dr. Boyd's February 2019 Report 52 17 Exhibit 7 Dr. Boyd's Supplemental Report 53 18 Exhibit 8 Additional Materials List 59 19 Exhibit 9 SGO Poster 100 20 Exhibit 10 Cell Transformation Assay Kit 110 product guide 21 Exhibit 11 O'Brien 2024 Study 144 22 Exhibit 12 April 2021 Health Canada Report 148 23 Exhibit 13 IARC's Website Printout 150 24 Exhibit 14 Lancet Oncology Article 152 25</p>
<p style="text-align: right;">Page 211</p> <p>1 MR. LAPINSKI: I just wanted to stall to 2 be able to go over the four hours. 3 I have no other questions. 4 MR. BALZANO: Final transcript. We'll 5 take a rough draft. 6 7 8 (Time noted: 2:51 p.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 213</p> <p>1 EXHIBITS (CONT'D) 2 (Retained by the court reporter) 3 Exhibit 15 SRI Poster 166 4 Exhibit 16 Harper/Saed Journal Article 175 5 Exhibit 17 Dr. Levy's Amended Report 182 6 Exhibit 17 Amended Rule 26 Expert Report of Dr. 183 Shawn Levy 7 Exhibit 18 Mandarino Article 209 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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CERTIFICATE

3 STATE OF NEW JERSEY)

4

: ss

5

I, Angela M. Shaw-Crockett, a Certified Court

6

Reporter, Registered Merit Reporter and Notary Public within

7

and for the States of New York, New Jersey and Connecticut,

8

do hereby certify that prior to the commencement of the

9

examination, JEFF BOYD, Ph.D. was duly sworn by me to

10

testify to the truth, the whole truth and nothing but the

11

truth.

12

I DO FURTHER CERTIFY that the foregoing is a

13

verbatim transcript of the testimony as taken

14

stenographically by me at the time, place and on the date

15

hereinbefore set forth, to the best of my ability. Witness

16

will read and sign.

17

I DO FURTHER CERTIFY that I am neither a relative

18

nor employee nor attorney nor counsel of any of the parties

19

to this action, and that I am neither a relative nor

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n. and that I am not

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ANGELA M. SHAW-CROCKETT, CCR, CRR, RMR

24

LICENSE NO. XI00218400

25

Notary Public

Dated:

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1

NAME OF CASE: Talcum Powder Litigation MDL No. 2738 v.

2

Johnson & Johnson

3

DATE OF DEPOSITION: July 19, 2024

4

NAME OF WITNESS: Jeff Boyd, Ph.D.

5

Reason Codes:

6

1. To clarify the record.

7

2. To conform to the facts.

8

3. To correct transcription errors.

9

Page _____ Line _____ Reason _____

10

From _____ to _____

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Page _____ Line _____ Reason _____

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- JEFF BOYD, Ph.D.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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